

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

23 February 2022

Dear Councillor

You are summoned to attend the special meeting of the;

DISTRICT PLANNING COMMITTEE on THURSDAY 3 MARCH 2022 at 7.30 pm

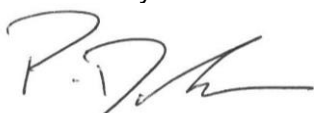
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: Following the relaxation of Covid rules, members of the public can now physically access meetings in the Council Chamber. With physical attendance the Council encourages all attendees to wear a face mask and complete a lateral flow test. All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN Councillor M S Heard

VICE-CHAIRMAN Councillor C Mayes

COUNCILLORS	M G Bassenger	J V Keyes
	Miss A M Beale	K M H Lagan
	B S Beale MBE	C P Morley
	V J Bell	S P Nunn
	R G Boyce MBE	N G F Shaughnessy
	Mrs P A Channer	R H Siddall
	R P F Dewick	N J Skeens
	M F L Durham, CC	W Stamp, CC
	M R Edwards	E L Stephens
	Mrs J L Fleming, CC	Mrs J C Stilts
	A S Fluker	C Swain
	M W Helm	Mrs M E Thompson
	B B Heubner	Miss S White
	A L Hull	1 vacancy

Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.





**AGENDA
DISTRICT PLANNING COMMITTEE (SPECIAL)**

THURSDAY 3 MARCH 2022

1. **Chairman's Notices (please see below)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 8)

To confirm the Minutes of the meeting of the District Planning Committee held on 19 January 2022 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interest or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6 – 8 of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interest as soon as they become aware should the need arise through the meeting.)

5. **21/00961/RES - Land at Broad Street Green Road and Langford Road and Maypole Road, Great Totham, Essex** (Pages 9 - 46)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) - 2018
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the report)
 - Essex and South Suffolk Shoreline Management Plan – October 2010

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

This page is intentionally left blank



**MINUTES of
DISTRICT PLANNING COMMITTEE
19 JANUARY 2022**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	M G Bassenger, Miss A M Beale, V J Bell, R G Boyce MBE, Mrs J L Fleming, CC, A S Fluker, K M H Lagan, C P Morley, S P Nunn, N J Skeens, E L Stephens, C Swain, Mrs M E Thompson and Miss S White
In attendance	Councillor C Morris

457. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the meeting and went through some general housekeeping arrangements for the meeting.

458. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Channer, R P F Dewick, M F L Durham, M R Edwards, M W Helm, B B Heubner, N G F Shaughnessy, R H Siddall, W Stamp and Mrs J C Stilts.

459. DISCLOSURE OF INTEREST

Councillor Mrs J L Fleming disclosed a non-pecuniary interest as a Member of Essex County Council who were statutory consultees.

460. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 2 December 2021 be approved and confirmed.

461. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 5 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

462. APPEAL UPDATE

The Council considered the report of the Director of Service Delivery providing advice to Members on the progress of an appeal on land at Burnham-on-Crouch. The report provided Members with advice regarding the reason for refusal and its sustainability.

It was noted that this matter had been brought forward in light of the impending deadline for the submission of the proofs of evidence for the appeal.

The report provided detail background information regarding the related planning application and its determination by the Council in 2021. The original Officer's report and Members' Update considered by the Council were attached as Appendices 1 and 2 to the report.

Following the Officers' presentation of the report a lengthy debate ensued. Officers responded to questions raised by Members providing further information regarding the application and the current appeal, the Council's Five-Year Housing Land Supply and related policy.

Councillor R G Boyce declared a non-pecuniary interest referring to the discussion about the application rather than the legal opinion.

During the debate and following some disruption the Chairman asked that the Minutes show for the second occasion Councillor C Morris had failed to follow his ruling.

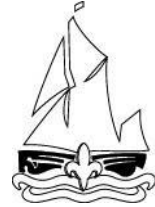
Following further debate, Councillor A S Fluker proposed that the Officers' recommendations as set out in the report be agreed, on the understanding that when the application was reconsidered a barrister was made available to provide legal advice to Members. This proposal was duly seconded and upon a vote being taken was agreed. Councillor K M H Lagan requested that it be noted he had not voted.

RESOLVED that in relation to the Planning Application detailed within the report:

- (i) the Council accepts the appellants without prejudice offer to re-submit the planning application, on the same terms as before, to allow for the Council to reconsider the application on the basis that they would then withdraw the appeal and not seek an award of costs against the Council if the resubmitted application were to be approved;
- (ii) when the re-submitted planning application is brought forward for reconsideration, a barrister is made available to provide legal advice to Members.

There being no other items of business the Chairman closed the meeting at 8.51 pm.

M S HEARD
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
3 MARCH 2022**

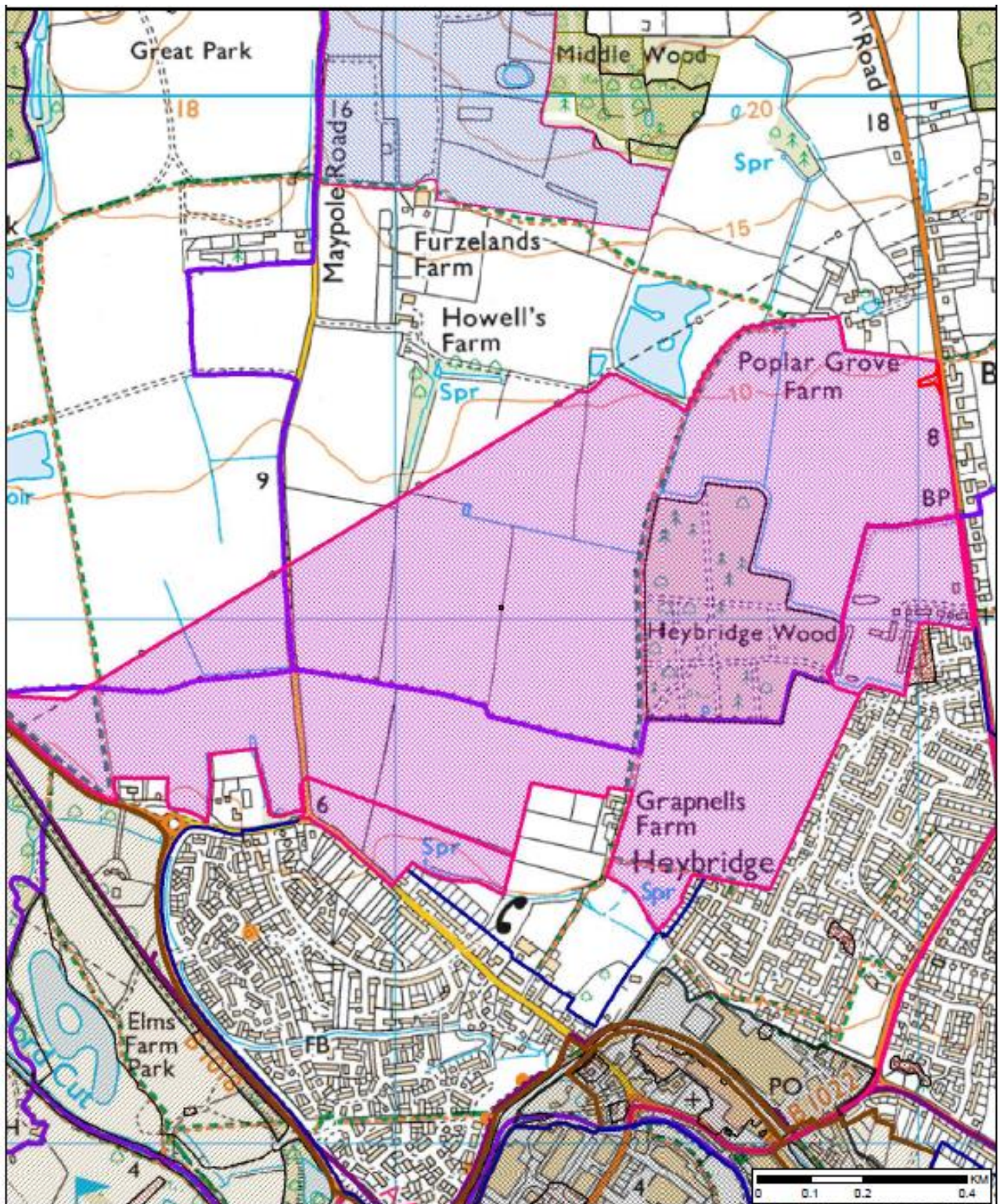
Application Number	21/00961/RES
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	<p>Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:</p> <ul style="list-style-type: none"> (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout; (ii) The internal spine road, from Broad Street Green Road to the north-eastern corner of Heybridge Wood (including bus stops); (iii) The green corridors that surround Parcels 10, 11 and 12; (iv) The second phase of the acoustic barrier; (v) The play area (LEAP) that lies south of Parcel 12; (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre; (vii) The proposed pumping station; (viii) Pedestrian and cycle links falling within this phase of the development. <p>Together with details pursuant to Condition 18 (tree protection), Condition 19 (acoustic barrier), Condition 27 (bus stops) and Condition 28 (footpaths and cycle routes) of the approved planning application 15/00419/OUT.</p>
Applicant	Mr D Moseley - Countryside Properties (UK) Ltd
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	11.01.2022 (Extension of time agreed: 11.03.2022)
Case Officer	Anna Tastsoglou
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan


1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale: 1:10,000
	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 23/11/2021
	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid mixed-use development on appeal on 25 October 2019 under reference 15/00419/OUT. The site is located to the north of the Heybridge settlement boundary, west of Broad Street Green Road, east of Langford Road.

3.1.2 The development granted on appeal under reference 15/00419/OUT was:

“Part outline/part detailed (hybrid) application for mixed use development including:

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)*
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)*
- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)*
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)*
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)*
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);*
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and*
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).”*

3.1.3 The current proposal relates to Phase 2 of the approved development and in particular the land that is necessary to provide the strategic landscaping and infrastructure elements, such as roads, paths, open space and Sustainable Drainage System (SuDS) features, for this Phase. The application site is split into two parts, the largest part is to the north and north-east of Heybridge Wood and a smaller area to the southwest of Heybridge Wood, northeast of the approved local centre.

3.1.4 It should be noted that the details of the relief road do not form part of the assessment of the current Reserved Matters application, as these were granted detailed consent under application reference 15/00419/OUT.

3.1.5 It should be noted that a revised Strategic Phasing Plan was approved on 14 January under the terms of application 21/05187/DET. The main revision to the previously approved Strategic Phasing Plan was the inclusion of parcel 10 and an area to the north of the proposed Local Centre to allow access to the Local Centre. This application covers the strategic landscaping for the Phase 2 area of the development. A subsequent application would have to be submitted to cover the residential parcels within the phase 2 area. An application pertaining to the development of the strategic landscaping and infrastructure elements of phase 1 was previously approved under the terms of application 21/00384/RES by the District Planning Committee of 30 September 2021. That report included landscaping alongside phase 1 of the relief road (western section).

3.1.6 The map below shows the agreed Phase 2 area in Red.



Phase 2 and Phase 2A - Red

3.1.7 The key elements of the strategic landscaping and infrastructure covered in this submission are, as follows:

- The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout;
- The internal spine road, from Broad Street Green Road to the north-eastern corner of Heybridge Wood, including the bus stops;
- The green corridors that surround Parcels 10, 11 and 12;
- The second phase of the acoustic barrier;
- The Local Equipped Area for Play (LEAP) that lies south of Parcel 12;
- The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre;
- The proposed pumping station adjacent to the LEAP. This would cover an area measuring 14.2 metres deep and 9.9 metres wide. The area would be enclosed with an 1.8 metres high brick walls with galvanised steel gates of the same height;
- All pedestrian and cycle links falling within this phase of the development;
- The proposed bus stops along the spine road south of Residential Parcel 10. The bus stops would be sheltered. The shelter would measure 2.9 metres wide, 2 metres deep with a maximum height of 2.9 metres.

3.1.8 The hybrid planning permission (15/00419/OUT) contains a number of conditions requiring either adherence to matters agreed as part of the outline permission or the submission of further details to be agreed as part of Reserved Matters or Discharge of Conditions applications. This application includes seeking permission for the details required by the following conditions imposed on application 15/00419/OUT and requiring approval through subsequent Reserved Matters applications:

- Condition 18 (Trees and hedgerows) – This condition requires the protection of all existing trees and hedgerows, with the exception of those already identified for removal as part of the detailed consent for the Relief Road. The current application is accompanied by an updated Arboricultural Impact Assessment that updates the previous assessment of existing trees, which was submitted as part of the hybrid application 15/00419/OUT. It is noted that two trees previously identified for removal are now shown to be retained. It is noted that condition 18 in relation to phase 1 was discharged as part of application 21/05129/DET. The current Reserved Matters application seeks to discharge the details of condition 18 in relation to phase 2.
- Condition 19 (Acoustic barrier) – This condition requires the submission of details of the acoustic barrier prior to the first occupation of any phase. The application is accompanied by a Noise Assessment to discharge condition 19. The Noise Assessment has modelled the bund and acoustic fence to the south of the relief road. Further details in relation to the acoustic barrier specification have been provided during the process of the application to address issues raised by the Environmental Health Specialist.
- Condition 27 (Bus stop details) – The condition requires details where a highway within that phase includes a Bus Stop. This Reserved Matters application for phase 2 contains two bus stops located on the spine road south of Residential Parcel 10, the detail of which is included within the accompanying engineering drawings. Furthermore, detailed drawings of the proposed sheltered bus stops have been submitted during the process of the application. A real time travel time notification board will be included. It is noted that the bus stops are located within a 400m walk of residential parcels 6, 10, 11 and 12.
- Condition 28 (Pedestrian and cycle routes) – This condition requires the submission of a scheme to show the provision of a network of pedestrian and cycle routes in accordance with the Access and Movement design parameter plan. This application includes details of all footpaths and cycle routes within the application area. It is noted that originally submitted plans for the cycle routes along the relief road have been amended during the process of the application to address concerns raised by the Highway Authority.
- Condition 31 (Landscaping) – This condition requires that submission of the landscaping details with designs and specifications for the associated Reserved Matters site shall accord with the Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement) and the endorsed Strategic Design Codes. This application provides the details of the overall landscape strategy (Part 1) but does not seek to discharge the details of the landscape designs and specifications of this phase (Part 2). The revision of the working of condition 31 was approved under the terms of application 21/00321/NMA. Details relating to part 2 of this condition would have to be discharged under a separate discharge of condition application.
- Condition 32 (Refuse and recycling) – This condition requires the submission of the details relating to the location, design, specification, management and maintenance of the recycling facilities. This condition is principally aimed at the provision of refuse and recycling storage for the residential and commercial development. This Reserved Matters application does not include residential or commercial buildings. The landscaping details include provision for bins within the LEAP, which will be managed and maintained by the estate management company. It is noted that further details of the proposed bins in this application will be provided under a separate submission.

3.1.9 As part of the planning application submission, the following documents were submitted in support of the development proposal:

- RM2 Landscape Statement;
- RM2 Arboricultural Impact Assessment Report;
- RM2 Ecological Conservation Management Plan, alongside the most recent bat and badger survey updates;
- RM2 Noise Assessment.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54 – 57 Planning conditions and obligations
- 60-67 Delivering a sufficient supply of homes
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-169 Meeting the challenge of climate change, flooding and coastal change
- 174-182 Conserving and enhancing the natural environment
- 189-193 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 - Sustainable Development
- S2 - Strategic Growth
- S3 - Place Shaping
- S4 - Maldon and Heybridge Strategic Growth
- S8 - Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- D2 - Climate Change & Environmental Impact of New Development
- D3 - Conservation and Heritage Assets
- D5 - Flood Risk and Coastal Management
- H1 - Affordable Housing
- H2 - Housing MixH2 Housing Mix
- H4 - Effective Use of Land
- N1 - Green Infrastructure Network
- N2 - Natural Environment and Biodiversity

- N3 - Open Space, Sport and Leisure
- T1 - Sustainable Transport
- T2 - Accessibility
- I1 - Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014)
- North Heybridge Garden Suburb Strategic Design Code (endorsed by Maldon District Council as a material consideration for Development Management purposes in March 2017)
- Green Infrastructure Strategy
- Approved Design Parameter plans

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1 of the report. The granting of 15/00419/OUT therefore establishes that the principle of the development of the site is acceptable.

5.1.2 This Reserved Matters application seeks permission for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 2 of the development but does not seek permission for the delivery of the residential or commercial elements included within this phase. The Reserved Matters application pertaining to the residential element of this phase is currently being considered under the terms of application 21/00752/RES. It should be noted that the strategic landscaping and infrastructure for phase 1, was previously approved under the terms of application 21/00384/RES.

5.1.3 Therefore, the material consideration for this development would be whether the details submitted accord with the details set out in the approved parameter plans, the North Heybridge Garden Suburb Strategic Masterplan Framework, the North Heybridge Garden Suburb Strategic Design Code, and relevant Local Development Plan (LDP) policies.

5.2 **Design, layout, landscaping and Impact on the Character of the Area**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

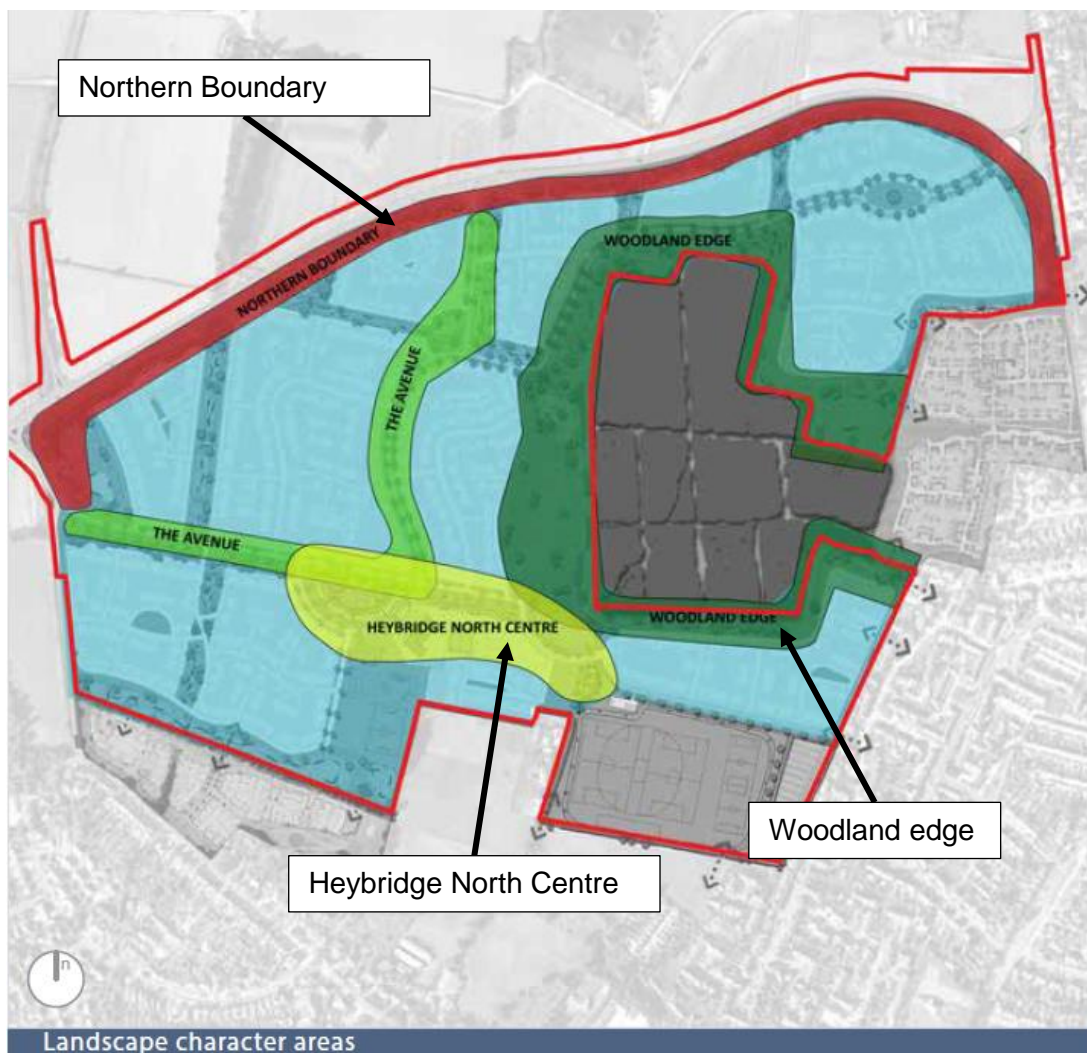
5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.4 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The development is subject to a Strategic Masterplan Framework and Design Code. The NHGS Strategic Masterplan Framework (SMF) and the NHGS Strategic Design Code have both been endorsed by the Council as material considerations for Development Management purposes. A number of parameter plans were also approved as part of the hybrid planning application. Those relevant to the current application are the Green Infrastructure Parameter Plan, the Land Use Parameter Plan and the Access and Movement Parameter Plan.

Compliance with the Design and Access Statement

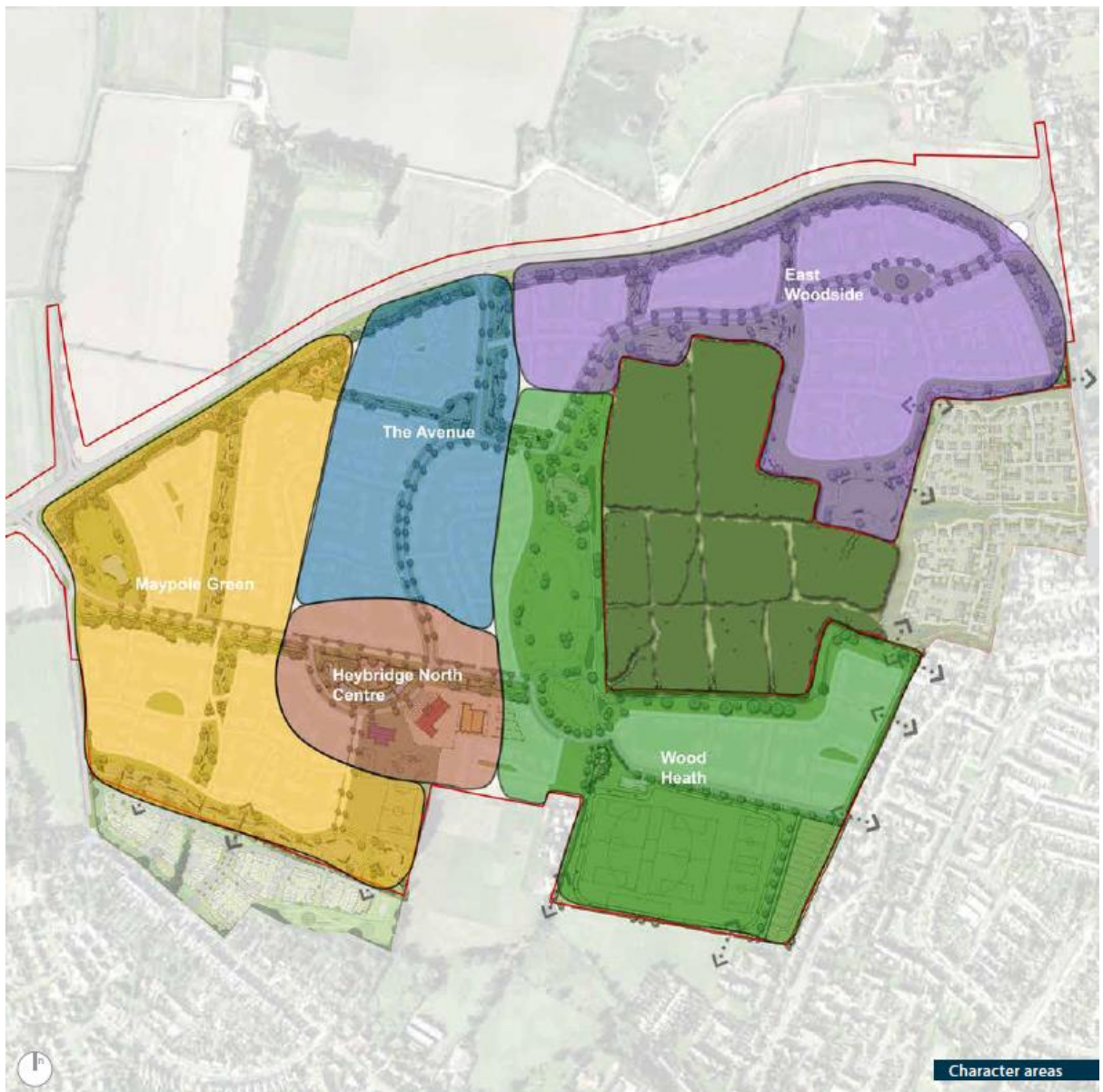
- 5.2.5 Condition 31 of the approved hybrid application 15/00419/OUT states that any Reserved Matters application that seeks the approval of landscaping details, shall substantially accord with the details set out within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement (DAS)).
- 5.2.6 The DAS includes details of the landscape character areas. Three different character areas fall within this phase 2 strategic landscaping and infrastructure Reserved Matters application. These are the Northern Boundary Character Area along the relief road, the Woodland Edge Character Area and the Heybridge North Centre Character Area. The DAS also includes a relief road strategy (page 96).
- 5.2.7 The extract below shows the relevant landscape character areas taken from the approved DAS.



5.2.8 The following criteria are set within the DAS for the landscape character areas:

- Woodland Edge: The woodland edge would create a buffer (minimum of 15 metres) between Heybridge Wood and the proposed development. The density of proposed planting would reflect the transition from woodland to residential development. Predominantly native planting is expected in this area. Play areas would contain natural play equipment. Richer grassland would be included closer to the woods and shorter closer to the residential areas. A naturalistic network of drainage features would connect to the wider SuDS system.
- Heybridge North Centre: Heybridge North Centre forms the core of the development. A formal tree structure would be used where possible to unify the space and complement the Avenue characteristic. The open space would create a bookend. High quality public realm materials should be used.
- Northern Boundary: The northern boundary should provide the transition between the development and the rural countryside to the north. Plants and trees should be used to provide both visual and noise attenuation from the relief road. Small areas of open space would be created along the southern edge of this character area creating opportunities for informal play.

5.2.9 The DAS also details the character areas. In terms of the area subject to this Reserved Matters application, the site falls mainly within East Woodside and a smaller area to the south within Wood Heath. The extract below shows the relevant character areas taken from the approved DAS.



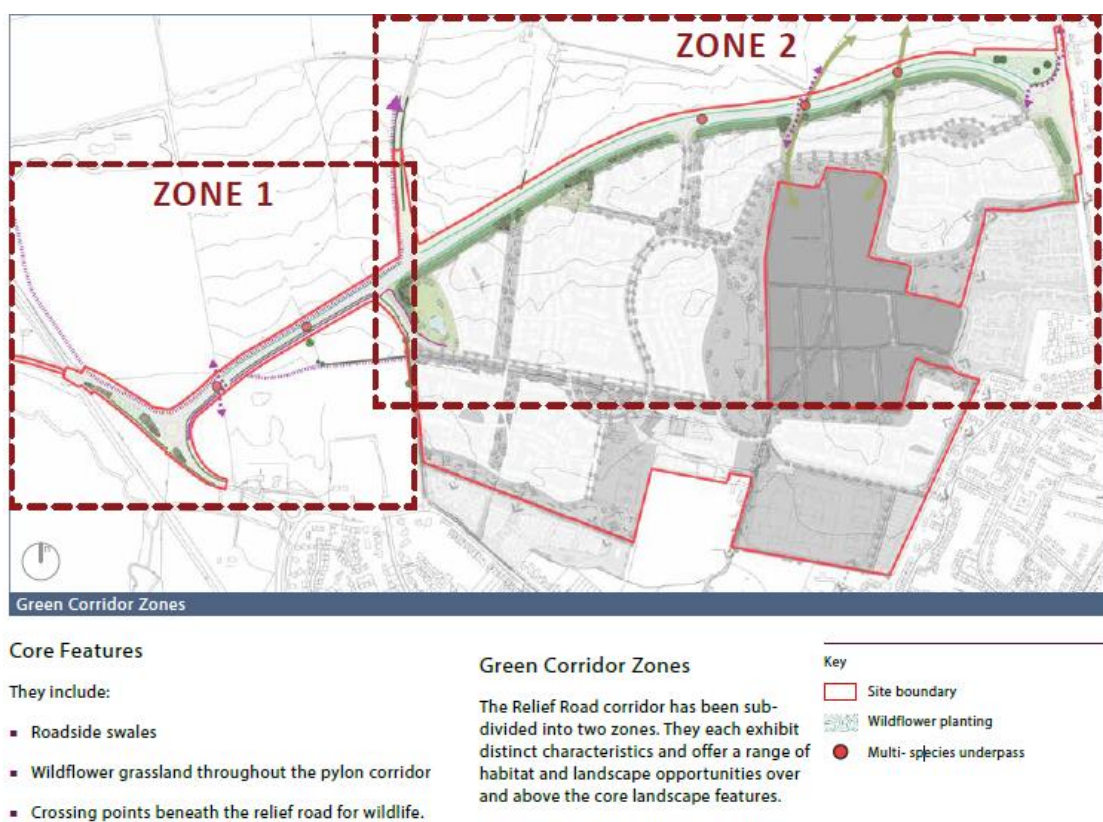
- Wood Heath: The part of the application site that falls within this character area is the crescent that is wrapped around the southwestern edge of Heybridge Wood. this public open space would landscaped to provide for a range of users.
- East Woodside: This area will provide the eastern gateway into the Garden Suburb from Broad Street Green Road. An open space will be orientated around the existing mature trees at the entrance. The spine road would have to be tree lined. The woodland buffer will provide a strong sense of location for the new residential units fronting onto this space. Planting and trees will be used to provide both visual and noise attenuation from the relief road to the north, while also helping to screen proposals from the wider countryside.

5.2.10 The Inspector determining the approved hybrid application 15/00419/OUT considered that the need for the Reserved Matters to be carried out substantially in accordance with the DAS is imprecise and unnecessary. However, with the imposition of condition 31, he set the requirement for the Reserved Matters applications relating to the landscaping strategy to substantially accord with the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement). Therefore, although the character areas set out

above are to be considered only as guidance for the assessment of the current Reserved Matters application, it is considered that the details included within the DAS regarding the relief road design strategy should be given substantial weight.

5.2.11 According to the DAS “the road corridor contains two key elements: the relief road itself, and the acoustic attenuation bund. There is an opportunity to reconcile engineering, ecological, landscape and management principles to create an attractive green corridor and soft edge”. Due to the existing pylons and associated clear easement north of the relief road, the creation of open character with grassland and boundary hedges is enabled. The effect that the approved relief road should create is that the road itself forms a limited part of the resultant green corridor. The acoustic bund would be used to introduce a combination of native trees and scrub planting along with areas of grassland.

5.2.12 The DAS also sets out two green corridor zones, based on the distinct characteristics of each area. Phase 2 falls within Zone 2, as shown on the map below:



5.2.13 The opportunities set out in the DAS for zone 2 area are as follows:

- New native hedgerow, copse and tree planting;
- Pedestrian gateways into the housing development area and Heybridge Wood;
- Potential semi-permanent water bodies north of the road; and
- Grassed acoustic bund with occasional copse and scattered trees.

5.2.14 The DAS is also accompanied by a map with specific details identifying footpath routes, existing and proposed planting, position of swales, matters relating to wildlife such as wildlife corridors and multi-species underpasses. Two footpaths are proposed in this section of the relief road, one connecting Broad Street Green Road with the proposed spine road, and one in between parcels 6 and 10 connecting the

development with PROW 247_19 (Public Right of Way). Both pedestrian routes have been incorporated within the detailed landscaping plans submitted as part of this application. Swales (a low-lying depression in the land for the purpose of collecting and slowly releasing water into the landscape) are proposed parallel with and along the proposed relief road and these would form part of the overall landscaped corridor. Planting to be incorporated would include hedges along the northern boundary with the highway, highway verge grass, occasional shrub planting and the acoustic bund to the south of the relief road which would be planted with shrubs and trees. More enhanced landscaping will be used at the north-eastern entrance to the site around the approved Broad Street Green roundabout. Mature trees will be incorporated along the northern boundary with the countryside and along the wetland grass in the attenuation basin. The roundabout will be planted with trees and bulb planting and two large trees will be planted at the road entrance. An attenuation basin with wetland grass and acoustic bund around the existing large tree would form the southern landscaped part along Board Street Green Road. A gabion wall feature would be introduced around the retained tree for visual and protection purposes. The application is accompanied by a Landscape Statement for Phase 2, where it is confirmed that the required wildlife corridors and mammal crossing tunnel underpasses that go underneath the spine road and the relief road, would be incorporated within the development. It is therefore, considered that the proposed landscaping scheme would substantially accord with the submitted Design Strategy for the North Heybridge Relief Road, included within the DAS.

Compliance with the Parameter Plans

- 5.2.15 Condition 6 attached to 15/00419/OUT requires development to be carried out in accordance with the approved parameter plans. The relevant parameter plans for this submission are:
- PRM-01 Rev R – Design Parameter Plan – Land Use;
 - PRM-02 Rev W – Green and Blue Infrastructure; and
 - PRM-03 Rev P – Access and Movement
- 5.2.16 In relation to the land use parameter plan the submission conforms with all areas shown for Green Infrastructure proposed as such. Furthermore, along the northern boundary of residential parcels 3, 4, 6, 10 and 11 (northern parcels) and the approved relief road, the land shown on the Land Use parameter plan as '*area for either noise attenuation works or residential / green infrastructure use*' is proposed for noise attenuation and green infrastructure.
- 5.2.17 The Green and Blue Infrastructure parameter plan details all of the open space, SuDS features, primary vehicular routes through the development, noise attenuation bunds, buffer zone around the woodland area and the indicative location of LEAPS and the Neighbourhood Equipped Area of Play (NEAP). The submission conforms with this parameter plan with the location and extent of open space. A LEAP is proposed south of parcel 12, which also conforms with the approved parameter plan. The submission also details SuDS features within the open spaces and the position of the acoustic bund in accordance with the approved parameter plan. A 15 metres buffer area is proposed around Heybridge Wood, comprised of species rich grass (special general-purpose meadow). Therefore, the details submitted for this phase 1 landscaping strategy and infrastructure accord with the requirements set out in the Green Infrastructure parameter plan.
- 5.2.18 A number of requirements are set in the Access and Movement parameter plan that are relevant for phase 2, currently being assessed under this Reserved Matters application. The development would comply with all primary vehicular and

pedestrian / cycle routes as indicated in the Access and Movement parameter plan. Pedestrian crossing is also proposed in between parcels 6 and 10. Pedestrian links connecting the application site with S2(f) allocated site to the east are proposed as required in the Access and Movement Parameter plan.

- 5.2.19 In light of the above, it is clear that the proposed development would conform with all the details included in the approved parameter plans.

Compliance with the NHGS Strategic Masterplan Framework and the NHGS Strategic Design Code

- 5.2.20 The hybrid planning consent granted had regard to the NHGS SMF in terms of the DAS and overall approach to the development. This Reserved Matters submission follows the same principles outlined in the approved DAS and parameter plans. The NHGS strategic design codes are most relevant for this submission as they set out the detailed rules or requirements to guide the physical development of the site; that being the strategic design codes that relate to main infrastructure elements that pass through and influence the development. The relevant design codes for this submission are as follows:

- Primary Street Code;
- Green Edge Code;
- Green Space Code;
- Built Edge Code.

- 5.2.21 Each design code includes specific criteria, including street dimensions, design criteria and materials and landscaping to be used. In accordance with condition 31 of the 15/00419/OUT the detailed landscaping strategy and infrastructure should broadly accord with those criteria with a level of relaxation, wherever necessary (para 53 of the appeal decision).

Primary Street Code – PS01 and PS03

- 5.2.22 The underlying principle of the code for the primary street is to immediately establish the garden suburb identity. It is a unifying feature which requires continuity of character and identity across plot boundaries. The key characteristics of this design code are:

- Consistent landscape strips with formal tree planting parallel on both sides of the street to create an Avenue;
- Parallel pedestrian and cycle access provided;
- Pedestrian and cycle access separated from the carriageway by a landscape strip or a verge which also accommodates parallel or bay parking;
- A flexible strip adjacent to the carriageway which must be included as either parking, bus layby, additional lane on approach to junctions or extension of the landscape strip.

- 5.2.23 This Reserved Matters application includes a section of the spine road. This section falls within codes PS01 and PS03 of the NHGS Strategic Design Code. The submitted details show that a tree lined spine road will be formed, with a carriageway 6.75m wide, linking the already approved junction on Board Street Green Road with Maypole Road, running in an east west direction. A formal 3.5 metres wide footpath / cycle way runs along the southern side of the spine road, connecting to the wider network of pedestrian and cycle routes. A 2 metre wide footpath is proposed to be formed along the northern side of the road. Grass verges are proposed on either side of the highway and an additional 1 metre reinforced grass on either side of the

footpaths has been introduced to accord with the Highway Authority requirements. Although the latter was not envisaged at outline stage, no objection is raised to the provision of a wider landscaped section. Therefore, appropriate pedestrian and cycle access is shown, which are separated from the main carriageway by a landscape stip. It is positive that the existing tree on the eye-shaped open space south of parcel 11 would be retained. The landscaping along the street would be more formal with even tree spacing, to accord with the Primary Street Code requirements. This will also assist in establishing the garden suburb identity once entering the site from Broad Street Green Road. Appropriate crossing points are shown to allow for linkages north and south into the residential parcels and public open space. Although concerns were initially raised by the Highway Authority regarding the safety of the cycle way along the eastern part of the primary road, these concerns have been overcome and the links provided would allow a safe access to the site and the public open space.

5.2.24 With regard to the section of the spine road falling within PS03 code, it is noted that a minimum of 15 metres landscaped gap would be maintained between the road and Heybridge wood. A series of landscaped attenuation basins intervene between the woodland and the spine road, and additional planting including shrubs and trees has been incorporated. This would further enhance the landscape character of the garden suburb and assist in the transition between the woodland and the infrastructure associated to the approved development. Overall, the proposed primary street within this phase would accord with the NHGS strategic design code.

5.2.25 Two sheltered bus stops are proposed to be positioned in this section of the spine road south of parcel 10, of which the design and appearance are considered appropriate and would not detract from the character of this primary street.

Green Edge Code – GE01 and GE02

5.2.26 This section of the code is to be applied to all areas where development meets the woodland buffer or the transition with open countryside and Heybridge Wood. Phase 2 falls within codes GE01 and GE02 of the NHGS Strategic Design Code.

5.2.27 Within phase 2, GE01 relates to the southern boundary of the relief road past its junction with Broad Street Green Road and represents a countryside edge of the development. As far as the code relates to this current Reserved Matters submission it forms the noise attenuation bund to the south of the relief road with shrub and tree planting. A footpath / cycle path runs along the southern alignment of the bund and links with the open space forming the landscaped gateway to the site. The width of the bund varies between 20 and 12 metres, depending on the natural changes of the topography along this stretch of the relief road, in order to achieve a 3.5 metres high screen (with the acoustic fence varying between 0.98 and 2.4 metres). It is noted that this area is narrower than that shown within the design code GE01, which requires at least 25 metres in width. However, the submission accords with the area designated on the approved parameter plans as well as the annotation which allocated the land for '*either noise attenuation works or residential / green infrastructure use*'. On this basis it is considered that the green edge would accord with the design code as far as practicable. It is also noted that the purpose of this land is to create a landscaped area that encourages its use as quieter areas of open space and attractive for walking routes. It is considered that this can still be achieved. Furthermore, as noted above, condition 31 requires the compliance of the Reserved Matters applications broadly and not strictly with the design codes. As a result, it is considered that an objection would not be reasonable to be raised in relation to conformity of the proposed development with GE01 design code.

- 5.2.28 Code GE02 relates mainly to the 15 metres buffer around the ancient woods. No footpaths or cycle paths should be created within this zone. As noted above, a 15 metres buffer would be retained around the ancient woodland. All attenuation basins and footpaths are outside this 15 metres buffer, which purpose is to protect the ancient woodland and it will comprise of species rich grass. It is noted that minimal intervention is proposed along the buffer. This is to encourage the creation of a natural woodland edge and provide a varied mosaic of habitats. It is therefore, considered that the proposal would accord with design code GE02.

Green Space Code – GS01 and GS02

- 5.2.29 Within the NHGS Strategic design codes it is stated that “*Green Infrastructure in the North Heybridge Garden Suburb needs to fulfil many important roles; it is essential for expressing the physical design principles of Garden Suburbs and providing new residents contact with nature. It will provide a buffer to residential areas and busy transport corridors, meet the majority of the recreational needs of new residents as well as providing opportunities for increased biodiversity, water management, amenity and shelter. In order to achieve these functions strategic green infrastructure corridors are identified in the North Heybridge SMF, set out in the Structuring Plan and approved within the parameter plans*”.
- 5.2.30 For GS01 code the NGHS design code states that this greenway is to be a multi-functional green corridor with a minimum width of 25m, with shared streets to both sides. The greenway may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, SuDS and wildlife corridors. Planting is to incorporate existing trees and hedges and maintain and enhance biodiversity. Within Phase 2 GS01 code relates to land south of parcel 12 and that between parcels 6 and 10. For the corridor between parcels 6 and 10, widening of the existing steep ditch is proposed to make it shallower on the sides. Trees and shrubs are also proposed to be planted and a footpath would run along the boundary with parcel 6. It is also noted that mammal crossing tunnels underneath the spine road and the relief road would be formed and a green corridor would be created between parcels 6 and 10 to allow wildlife movement between the countryside and the woodland.
- 5.2.31 GS01 code would also apply to land south and east of parcel 12 and north of the approved development at the S2(f) allocated site. This corridor measures 25 metres at its northeast point and in excess of this width for the majority of its length. The recently constructed development at the S2(f) allocated site detailed two pedestrian/cycle connection points. This reserved matter application proposes footpaths that link with these pedestrian routes in accordance with the Access and Movement parameter plan. This section also includes a LEAP which is proposed in a location where it would be easily accessible from both developments. The details of the LEAP are further assessed below. A landscaped attenuation basin is positioned to the southwest of the LEAP. Landscaping, including different sizes of trees and species rich grass would be planted around the attenuation basin and the LEAP.
- 5.2.32 In light of the above, it is considered that the proposal will conform with the requirements of GS01 design code and also the proposal would fulfil the multi-purpose green and wildlife corridors, increase biodiversity and enhance wildlife.
- 5.2.33 For the GS02 code the NHGS design code states that this green finger is to be multi-functional green corridor with a minimum width of 16m (min. 13 where no SuDS / swale), with shared streets to both sides. The green finger may accommodate a number of uses and functions including accessible greenspace, planting, pedestrian and cycling routes, play space, existing watercourses, SuDS and wildlife corridors.

The green fingers provide a second tier to the linear multifunctional space. The landscape will provide ecological enhancements and contain a significant proportion of native planting.

- 5.2.34 There are two green corridors within phase 2 that fall under GS02 design code; one between parcels 10 and 11 and one north of the local centre. Similar to the green corridor between parcels 10 and 6, the green corridor between parcels 10 and 11 would involve widening the existing deep ditch. This would afford shallower sides to the ditch. The open space around the ditch would be landscaped with native shrub planting, trees and amenity grass. A footway / cycle way would be formed along the boundary with parcel 10 to provide pedestrian access between the relief road and spine road and then further south to the woodland area. This corridor would also provide an opportunity for wildlife to move across the site to the countryside and the Heybridge wood. To achieve this a mammal crossing tunnel underneath the spine road, extending under the relief road would be created. The native planting along the corridor would assist in the wildlife movement. It is therefore considered that this green corridor would be in full compliance with the requirements of GS02 design code.
- 5.2.35 The green corridor between parcel 7 and the local centre would mainly be occupied by two landscaped attenuation basins to the north and south of the road, including footpaths on either side. This would be a small corridor between the two crescent shaped open spaces and would allow movement from the local centre to the eastern parcels and Heybridge Wood. SuDS can be multi-purpose areas, that could be used as green space but also as play space. Therefore, no objection is raised in terms of the landscape character of this corridor, which would still accord with the GS02 design code criteria.

Built Edge Code – BE01

- 5.2.36 The NGHS design code states that where development is located along Broad Street Green it is important that the existing ditch, verge, hedge and trees are retained and enhanced along the boundary in order to maintain the character of the existing road. This frontage is important in connecting the suburb with Heybridge and retaining the character of the local road network. A buffer zone should be maintained as a 'no dig zone' to protect the roots of existing trees.
- 5.2.37 A small area of application site would be located adjacent to Broad Street Green Road. It is noted that a green buffer is provided between the road and the residential parcel 12. The existing trees along the road will be retained and new planting, including trees and amenity grass will be introduced. As a result, it is considered that the existing character of the road will be maintained, and the proposal would be compliant with the requirements of BE01 design code.

Broad Street Green Entrance Green Space

- 5.2.38 The NGHS design code states that the entrances into the garden suburb will have design treatments to reflect the Village Edge character location, but they should include subtle variations in response to context.
- 5.2.39 At the entrance to the site from Broad Street Green within phase 2 would be a large, landscaped area or public open space featuring large shallow attenuation basins and the acoustic bund. A number of existing trees along Broad Street Green Road would be retained and new planting will be planted, along with trees of different maturity, amenity grassland and wetland grassland. There would also be pedestrian footway / cycle paths running along the open space adjacent to spine road and residential

parcels 11 and 12 and along the outer edge of the open space to the south of proposed roundabout connecting this with the footpath along Broad Street Green Road. A gabion wall feature will be installed around the existing tree on this southern open space to protect the retained tree.

LEAP

5.2.40 In accordance with the Green Infrastructure Strategy the LEAP should accord with the following standards:

- *Five play types, including a safer surface;*
- *Fencing complete with two pedestrian gates;*
- *Minimum activity zone of 400m²;*
- *Seating, litter bins and notices.*

5.2.41 The proposed LEAP would measure around 510sqm, it would incorporate nine different types of play and three sitting areas. Natural play equipment would be used, as suggested in the DAS. No details in relation to litter bins or notices at the entrance have been provided or the types of fencing to be used to protect it. However, it is considered that the submission of these details would be able to be secured by the imposition of an appropriately worded condition. Overall, it is considered the LEAP has been appropriately design and it would create an accessible and usable focal point for the residents of both developments (S2(d) and S2(f) allocated sites).

5.2.42 A pumping station will be located to the north of the LEAP. Although it is not ideal that this structure will have to be located in close proximity to the area of play, it will be enclosed with a high brick wall and also it should be acknowledged that the position of such a structure is normally dictated by the position and capacity of existing infrastructure and therefore, on balance, no objection is considered reasonable to be raised in that respect.

Conclusion

5.2.43 In light of the above, it is considered that the landscape approach taken is reflective of the garden suburb character and approach that the Council envisaged when allocating this site as part of the North Heybridge Garden Suburb. It is also considered that this second phase of strategic landscaping and infrastructure proposal sets out a well-designed framework of green spaces and linkages that will ensure the development as a whole delivers the high quality, vibrant and distinctive neighbourhoods that the site aims to achieve. The proposal accords with The North Heybridge Strategic Masterplan Framework, the North Heybridge Garden Suburb Strategic Design Code, the approved Parameter Plan, and broadly with the Design and Access Statement Submitted with the approved hybrid application (15/00419/OUT). The proposal also accords with the relevant LDP policies and guidance contained within the NPPF and the Green Infrastructure Strategy.

5.3 Impact on the Heritage Assets

5.3.1 Phase 2 of the approved development at the North Heybridge Garden Suburb is located in close proximity to three grade II listed buildings. Poplar Grove Farmhouse to the north of the application site, the stable and the cartlodge to the west of Poplar Grove Farmhouse. The listed buildings have value as an historic farmstead and the development would have an impact on the wider setting of the listed buildings. Due to recent development in the vicinity of the listed buildings and their setting, it is no longer worked as a farmstead. Developing the land for housing and associated

infrastructure will erode the wider agricultural setting of the listed farm buildings, resulting in some harm on the heritage significance of the buildings. The Conservation Specialist was consulted and identified that this harm would be less than substantial.

- 5.3.2 It should be noted that when the site was allocated for the development within the LDP the impact of the development on the nearby listed buildings was considered and the resultant harm to the wider setting of the listed buildings was considered to be outweighed by the public benefits of the scheme. It is therefore considered unreasonable an objection to be raised at this Reserved Matters stage. It is also considered that the proposed noise attenuation bund, which will be soft landscaped, would soften the appearance of the proposed residential development to the south of the relief road.
- 5.3.3 The Conservation Specialist has advised that the information submitted is adequate and there are no suggestions that would result in further mitigation of the harm. Overall, it is advised that the setting of the listed farm buildings at Poplar Grove Farm would be less than substantial and can be described as moderate adverse.
- 5.3.4 Paragraph 202 of the NPPF states that “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”. In this particular instance, for the reasons stated above, it is considered that the public benefits of the scheme would outweigh the harm to the heritage assets.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The proposed development, by its very nature understandably, would result in a significant increase in levels of activity. However, the site forms part of the largest of the three sites allocated for development in the NHGS (S2(d) allocated site) and therefore, the resultant impact, in terms of noise, activity and position, has, in principle been appraised and agreed as part of the approved hybrid application 15/00419/OUT.
- 5.4.3 The site abuts Broad Street Green Road and the allocated S2(f) site to the south. More residential properties are located to the north, but these appear to be a further distance away from the application site. The nearest residential properties to the site would be those located on the opposite side of Broad Street Green Road (nos 71 to 107 Broad Street Green Road) and the recently constructed dwellings to the south and east of the application site within S2(f) allocated site.
- 5.4.4 Although the development would be immediately adjacent to the dwellings along Broad Street Green Road, it is noted that the elements adjacent to these dwellings are mainly landscaping and the proposed highway, including the Broad Street Green roundabout. Given that no built form would be located near the properties along Broad Street Green Road, it is not expected that the development would result in materially harmful impact on residential amenity, by way of loss of light or overbearing impact.

- 5.4.5 A 15 metres landscaped buffer will intervene between the dwellings within the recently erected development at S2(f) allocated site and the application site. The proposal would involve the construction of a LEAP and a pumping station approximately 15 metres away from the nearest residential properties within this site. Although noise levels and activity arising from the LEAP are expected to be higher than other types of public open space, due to the nature of the facility, it is not considered that the proposed location of the LEAP would result in a detrimental impact on residential amenity. Most importantly, the position of the LEAP was previously approved as part of the Green and Blue Infrastructure parameter plan. Therefore, it would have been unreasonable for an objection in relation to the position and impact of the LEAP to be raised at this Reserved Matters stage.
- 5.4.6 The main issue to consider in relation to impact upon residential amenity is the potential for any significant noise disturbance to the future occupiers of the approved development from the relief road. The application has been supported by a noise assessment which identifies the extent of the “acoustic barrier to the south of the relief road” (as referenced in Condition 11 (phasing plan) of the outline consent) and presents the results of computational noise modelling. The noise modelling carried out demonstrates that the proposed bund will reduce the incident noise levels from the relief road on the most exposed dwellings; namely those that will be located along the northern edge of the development. Although the detailed design of the dwellings on parcels 10, 11 and 12 does not form part of the current application, the model shows that the provision of the acoustic bund/barrier would embed effective mitigation. The report also goes to recommend further mitigation in terms of sound insulation and orientation which is not relevant to this submission and will have to be addressed as part of any subsequent residential Reserved Matters submission.
- 5.4.7 It is noted that the current application seeks to discharge condition 19 of the approved hybrid application (15/00419/OUT) which requires the submission of details of the acoustic barrier. It is noted that as part of the initial submission no details of the acoustic fence specification have been submitted. The Environmental Health Specialist advised that whilst the noise assessment provides bund and fence heights, no specific details regarding the construction and design of the bund and fencing had been submitted. Further supporting information responding to the concerns raised have been submitted during the process of the application, including the acoustic barrier specification. The Environmental Health Specialist has advised that following the submission of additional details, no objection is raised to the proposed development. The information is sufficient to satisfy the requirements of condition 19.
- 5.4.8 In light of the above, it is not considered that the development would have a detrimental impact on residential amenity of the neighbouring occupiers or the future occupants of the approved development within phase 2.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.5.2 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 5.5.3 It is noted that this Reserved Matters submission involves the design of the main spine road through the second phase of the development as well as the landscaping along the main relief road. The submission also covers the pedestrian and cycleway linkages within this phase of the development. Due to the nature of the development, there are no specific parking requirements for this Reserved Matters submission.
- 5.5.4 The submitted plans show that the proposed spine road would have a 6.75 metres width which will link from the approved roundabout on Broad Street Green Road and run in a west through phase 2 in an east-west direction. This would accord with the details included in the NHGS Strategic Design Codes. It is noted that the alignment shown on the submitted plans accord with the approved parameter plans. Furthermore, the position of the vehicular access points onto the residential parcels have been shown on the submitted plans. A proposal also involves a small section of a secondary road between parcel 7 and the local centre. This is a lesser width road than the spine road; however, this is in conformity with the details included in the NHGS Strategic Design Codes.
- 5.5.5 With regard to pedestrian and cycle routes, a 2 metre wide footpath will be formed along the northern side of the spine road and a wider over 3.5 metres pedestrian / cycle route to the south of the spine road. Similar arrangement with two footpaths (one wider and one narrower) on either side of the road have been incorporated on the part of the development between parcel 7 and the local centre. Therefore, the proposal would comply with the details included in the NHGS Strategic Design Codes. The proposed pedestrian and cycle network would also accord with the approved Access and Movement parameter plan and will create a good internal network of pedestrian and cycle paths. As noted above two pedestrian/cycle links would be created to the south and east of parcel 12 with the existing development within S2(f) allocated site as required by the approved Access and Movement parameter plan.
- 5.5.6 It should be noted that concerns initially raised by the Highway Authority related to the design of the spine road and in particular the adverse camber, the design of the cycleway where the spine road joins the Broad Street Green roundabout, the width of the carriageway on the bends, and the potential need for traffic calming measures to ensure that the speed limit is adhered to. Following receipt of the above comments amended plans and information have been submitted, altering the design of the spine road, including widening the carriageway on the bends and the design of the cycleway. With regard to the points raised about traffic calming measures, the Highway Authority has confirmed that these details would be more appropriate to be dealt with under S278¹ & S38² agreement, rather than planning.
- 5.5.7 Following the above amendments, the Highway Authority has been reconsulted and raised no objection to this proposal. The development is therefore considered to be acceptable in terms of access and highway safety.

¹ A section 278 agreement (or s278) is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highway Authority to make permanent alterations or improvements to a public highway.

² A Section 38 agreement (or S38) is a section of the Highways Act 1980 that can be used when a developer proposes to construct a new estate road for residential, industrial or general purpose traffic that may be offered to the Highway Authority for adoption as a public highway.

5.6 Flood Risk and Sustainable Drainage

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.6.2 This submission relates to phase 2 strategic landscaping and infrastructure and provides details of the size, location and gradients of the surface water attenuation basins and drainage network within this phase of the development. The submission complies with the approved parameter plans which set out the outline stage of the development as well as the overall agreed drainage strategy. The technical details of the surface water drainage scheme are to be dealt with through condition 9 of the original hybrid consent, and there is a current submission in relation to this condition (21/05125/DET), which is currently under consideration.
- 5.6.3 It is noted that the overall drainage strategy was approved as part of the hybrid application 15/00419/OUT, which was allowed on appeal. The Inspector found that the surface water drainage was in full compliance with the development plan. The agreed drainage strategy was that due to the relatively shallow ground water, infiltration drainage techniques will not be utilised on the site. However, other SuDS techniques will be used, which will follow the SuDS train submitted as part of the Flood Risk Assessment (FRA) to 15/00419/OUT, consisting of a mixture of rainwater butts, permeable paving to private drive ways, swales, ponds and detention basins. Water will be collected, treated and attenuated in a SuDS train prior to outfalling into the existing water courses at the 1 in 1 year Greenfield runoff rates up to and including the 1 in 100 plus 40% climate change rainfall storm event.
- 5.6.4 The Lead Local Flood Authority was consulted and having reviewed the Strategic Infrastructure Landscape plans the associated documents which accompanied the planning application, they do not object to the granting of planning permission 21/00961/RES. It is noted that this application is considered being in line with the approved outline drainage strategy applied to the outline application (15/00419/OUT).
- 5.6.5 It is therefore concluded that this submission is acceptable from a flood risk and drainage perspective. The key drainage features shown accord with the approved drainage strategy and approved parameter plans. The technical detailed drainage design and approval process is being dealt with through assessment of details to discharge condition 9 imposed to 15/00419/OUT application.

5.7 Ecology and Biodiversity

- 5.7.1 The Paragraph 174 of the NPPF states that "*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*". Furthermore paragraph 180 of the NPPF states that "*if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused*".
- 5.7.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.3 Policy N2 of the LDP states that "*All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or*

protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

5.7.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

5.7.5 The application is supported by an Ecological Conservation Management Plan for Phase 2, dated August 2021, a Landscape Statement, dated 09 September 2021 and the Proposed Mammal Tunnels, dated July 2021. These documents include information about the proposal, the proposed mammal corridors, the mitigation and enhancement of ecological measures, as well as a management strategy, monitoring during construction and annual and long terms reviews.

5.7.6 Mitigation actions would include:

- Protection of retained trees, woodland and hedgerow through installation of protective, propped heras type fencing.
- Removal/works of trees (where deemed necessary) with suitability for bats under the safe working method statement to avoid harm or death of bats.
- Bat sensitive lighting scheme.
- Pre-construction surveys to search for new or previously undetected badger setts.
- A minimum 20m buffer will be provided around all retained badger setts.
- No works will take place before dawn or after dusk during the summer and adequate lighting will be used to enable workers to spot any active Badgers.
- Installation of mammal/wildlife (i.e. badgers/reptiles) tunnels under new roads.
- Timing clearance of potential breeding habitat outside of the birds breeding season (March to mid-September inclusive).
- Reptile destructive search exercise to avoid harm or death to reptiles.
- Natural England licence.

5.7.7 Enhancement measures would include:

- Retention of existing habitats of importance to wildlife and the creation of new habitats of local provenance.
- The landscape scheme will include new planting across the Site (and details of natural regeneration and management immediately adjacent to Heybridge Wood).
- Planting of diverse and suitable native trees, hedgerows and plant species, wildlife grassland and swales beneficial to wildlife.
- All the new ponds will be designed to provide habitat for amphibians, although other animal and plants will also benefit.
- Habitat creation within the green infrastructure open space areas, including hedgerows and buffer zones around Heybridge Wood to positively impact on bats including Common Pipistrelle.
- Tree bat boxes will be sited within Heybridge Wood away from the main development works as high as possible (no lower than 4m).
- Minor habitat works to the edge habitat to enhance its value for reptiles and dormice.

- Provision of green infrastructure open space and planting as part of the scheme to provide new foraging and nesting resources for a wide variety of birds. Inclusion of fruit bearing trees to benefit birds.
 - Cut logs and stems of trees that are felled will be left to decay within suitable locations on the Site within the edge habitat that will provide beneficial improvements of the Site for invertebrates.
- 5.7.8 The proposal would include two landscape corridors adjacent to parcels 10 and 11 providing the following:
- Flower rich spaces for declining pollinators within a Buglife B-line corridor;
 - Habitat corridors for toads between off-site breeding ponds and Heybridge Wood;
 - Native scrubby habitat for scrub-loving birds and small mammals, such as Hedgehog;
 - Habitat corridors for Badgers so they can move between the site and wider landscape;
 - Semi-natural dark corridors for bats to move between the site and wider landscape;
 - Habitat that benefits a range of common and widespread invertebrates, which in turn provide food for larger animals; and
 - An opportunity for people to connect with the natural world.
- 5.7.9 In relation to the Ancient Woodland, a 15 metres buffer zone will be maintained around Heybridge wood. This includes:
- Space to allow natural regeneration along the woodland edge. This will create a more complex, naturalistic transition between the woodland and other habitats;
 - A natural solution, via the natural regeneration, to manage access into Heybridge Wood;
 - Flower rich spaces for declining pollinators within a Buglife B-line corridor;
 - Native scrubby edges for woodland and scrub-loving invertebrates, birds, and small mammals, such as Hedgehog;
 - Foraging habitat for Badgers, and semi-natural dark corridors for bats to move and forage in;
 - Reptile habitat along the southern edge of Heybridge Wood.
- 5.7.10 The Ecological Conservation Management Plan advises trees 20, 29, 38, 42, 43, 44, 45, 46, and 47 had no evidence of roosting bats. Trees 28 and 48 were confirmed as roosts during bat surveys. These trees, which were previously marked for removal, are proposed to be retained.
- 5.7.11 In light of the above, it is considered that the necessary mitigation measures would be in place to ensure that the impact of the development on habitats and wildlife will be secured. Furthermore, the development would provide a number of enhanced ecological measures. Recommendations are also included to ensure that protected species are protected and their habitats are enhanced.
- 5.7.12 The Ecology Consultant is satisfied with the details contained within the RM2 Landscape Statement, Proposed Mammal Tunnels July 2021 and the Ecological Conservation Management Plan: Phase 2, alongside the most recent Bat Technical Note: Survey Results and Recommendations (Ecological Planning and Research Ltd (EPR)) and Badger Technical Note: Survey Results & Recommendations (EPR) and

advise the recommendations made within them are secured by condition for this phase of the development. The development, subject to the imposition of the suggested conditions, is therefore considered acceptable in terms of its ecological impact.

5.8 Other Matters

Impact on Trees and Hedgerows and Landscaping Scheme

- 5.8.1 The application is supported by an Arboricultural Impact Assessment, dated September 2021. This report provides details required for condition 18 for the outline consent (15/00419/OUT) for this part of the development (phase 2). The report provides an update to the DFC AIA in relation to the trees. The differences are that this application enables the retention of T1, T2, T3, T17, T19, T21 oak and T18 field maple on Broad Street Green. It is also noted that works near T39, T40 and T52 will take place under arboricultural supervision. A wide range of new planting, enriching the tree numbers, structure and species diversity will be planted as part of this phase. The trees will provide screening, softening and maturity to the new development; and all retained trees provide ecosystem services, place making and biodiversity. A condition can be imposed to ensure that the development is carried out in accordance with the arboricultural impact assessment report.
- 5.8.2 The Council's tree consultant has raised no objection to the content of the arboricultural impact assessment report and comments that the various types of landscaping are acceptable and will help to enhance amenity and eco net gain. The details and specification of trees are to be assessed under Part 2 of condition 31. It is also stated that based on the information provided, the new development will include a variety of planting styles to complement the landscape and benefit wildlife populations.
- 5.8.3 In light of the above, no objection is raised to the impact of the development on existing vegetation and also the proposed landscaping scheme would be able to complement the existing landscape and provide ecological enhancement.

Archaeology

- 5.8.4 The submission of details in relation to the archaeological assessment have been secured through the imposition of condition 8 to the approved application (15/00419/OUT). These details were approved under the terms of application 21/05054/DET. The Historic Environment Officer has advised that the archaeological evaluation in response to this condition has been completed and a number of areas requiring open area excavation have been identified and fieldwork has begun. The archaeological fieldwork for the areas impacted by the current application has been completed, and therefore, no objections are raised to this application.

Waste

- 5.8.5 Although no response from the waste services has been received, the submitted refuse vehicle trackings plans show that large refuse vehicles would be able to access and drive in and out of each parcel. This application relates to the landscaping strategy and infrastructure for phase 2 and not the residential development within the individual parcels. Any subsequent residential Reserved Matters submission would require consideration of waste management access to individual houses and/or communal collections points.

6. **ANY RELEVANT SITE HISTORY**

6.1 The relevant planning history is set out below:

- **15/00419/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline);
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline);
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline);
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline);
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element);
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). – Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019.
- **19/00741/OUT** - Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline) – Approved - 14.10.2019
- **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan – Cleared - 11.05.2020
- **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Cleared - 15.05.2020

- **21/00321/NMA** - Application for non-material amendment following grant of Planning Permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Amendment to Condition 31 – Approved - 29.04.2021
- **21/00538/NMA** - Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9 – Approved - 09.06.2021
- **21/05031/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development Condition 13 - Ecological conservation management plan. Condition 7 - Construction & environmental management plan. – Cleared - 01.04.2021
- **21/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 – Archaeology – Cleared - 18.05.2021
- **21/05107/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 14 - Contaminated land. – Cleared - 18.08.2021
- **21/00384/RES** - Reserved Matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;
 - (a) landscaping for the approved Relief Road,
 - (b) phase 1 entrance green,
 - (c) phase 1 spine road,
 - (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)
 - (e) acoustic bund for phase 1

Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).) – Approved - 08.10.2021

- **21/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – Cleared – 02.09.2021
- **21/05121/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 10 - Drainage management – Cleared – 05.11.2021
- **21/05125/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – pending consideration
- **21/05129/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 18 - Tree protection – Cleared – 18.11.2021
- **21/05134/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction management plan. – Cleared - 22.10.2021
- **21/05135/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 15 - Broadband. – Cleared - 11.01.2022
- **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – Cleared - 09.11.2021
- **21/05162/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - Ecological Conservation Management Plan ECMP in relation to Phase 2 of the development only. – Cleared - 29.11.2021
- **21/05185/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications – Cleared - 13.01.2022
- **21/05187/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan – Cleared - 14.01.2022
- **21/00752/RES** – Reserved Matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping (Phase 1 only) on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and

- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).). – pending consideration
- **22/05005/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction Environmental Management Plan (Part (g) in relation to Phase 2) – Cleared – pending consideration

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	<p>Concerns have been raised in relation to the following matters:</p> <ul style="list-style-type: none"> • Concerns regarding construction traffic and delivery of the relief road • Traffic restrictions from the development onto Broad Street Green Road are suggested to be considered • Further details are requested to be submitted in relation to management of pedestrian movement along the relief road • Details of the treatment and protection of the boundary with the Heybridge wood during construction. • Assurance that wheel washing facilities would be provided. • The Parish Council would want involvement regarding the bus service. 	<p>Comments noted.</p> <ul style="list-style-type: none"> • It should be noted that the approved development, including the relief road which details approved in full under the hybrid application (15/00419/OUT), is to be delivered in phases as approved under the terms of application 21/05187/DET. The phasing plan sets out the development, including associated infrastructure to be delivered in each phase. Furthermore, the details of the construction management and traffic for phase 1 and 2 were agreed under the terms of application 21/05134/DET to discharge condition 7 of the approved permission. Details for the subsequent phases will have to be submitted and agreed by the Local Planning Authority (LPA). Therefore, details regarding construction traffic and the delivery of the relief road have been considered under

Name of Parish / Town Council	Comment	Officer Response
		<p>the terms of different applications and are not relevant in the assessment of this current Reserved Matters application.</p> <ul style="list-style-type: none"> It is important to be noted that permission was granted for the construction of two temporary construction access points onto Broad Street Green Road and Maypole Road under the terms of application 21/788/FUL. The impact of these construction access points onto the road network were assessed and found acceptable, subject to conditions. Furthermore, matters in relation to construction traffic for phase 1 and 2 were approved under application reference 21/05134/DET to discharge condition 7 regarding Construction Environment Management Plan. Therefore, the suggested restrictions are not relevant to this Reserved Matters application and would not be able to meet the 6 tests of conditions. Although the position of the proposed pedestrian access points and the diverted PROW have been shown on the submitted plans, it is noted that further details in relation to the management of the pedestrian movement can be secured by the

Name of Parish / Town Council	Comment	Officer Response
		<p>imposition of an appropriately worded condition.</p> <ul style="list-style-type: none"> • It is noted that the details of the Construction Ecological Management Plan to the discharge of condition 7 (g) are to be approved under the terms of application 22/05005/DET. These details include the mitigation actions and timings, including details of protective fencing a minimum of 15 metres around Heybridge Wood. therefore, these are matters are to be assessed under a different application. • Provision of wheel washing facilities have been agreed under the terms of application 21/05134/DET to discharge condition 7 regarding Construction Environment Management Plan. A condition was also imposed to application 21/00788/FUL to form two temporary construction accesses. • It is noted that the bus strategy was agreed as part of the hybrid application and it is secured through the S106 agreement, which requires a Bus Service Agreement, including details of the frequency and potential routing of the bus service.
Great Totham Parish Council	No comment	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	Following submission of amended plans, the Highway Authority has no objections.	Comments noted.
Archaeology	The archaeological evaluation in response to this condition has been completed and a number of areas requiring open area excavation have been identified and fieldwork has begun. The archaeological fieldwork for the areas impacted by the current application has been completed, and therefore, no objections are raised to this application.	Comments noted and addressed in section 5.8 of the report.
Tree Consultant	No objection raised. Based on the information provided, it is considered that the new development will include a variety of planting styles to compliment the landscape and benefit wildlife populations.	Comments noted and addressed within section 5.8 of the report.
Ecology Consultant	The Ecology Consultant raised no objection and is satisfied that the submitted Reserved Matters 2 Landscaping Statement, Proposed Mammals Tunners July 2021 and Ecological Conservation Management Plan: Phase 2, alongside the most recent Bat Technical Note: Survey Results & Recommendations (EPR) and Badger Technical Note: Survey Results & Recommendations (EPR) and advise the recommendations made within are secured by condition for this phase of the development.	Comments noted and addressed in section 5.7 of the report. Furthermore, the suggested conditions have been imposed.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	<p>No objection raised. The advice provided in the previous response in relation to the approved hybrid application (15/00419/OUT), dated 15/08/2019 applies equally to this proposal.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p>	Comments noted.
Essex Fire and Rescue Service	<p>Access for Fire Service is considered satisfactory subject to fire brigade access and water supplies for firefighting purposes to the proposed development being fully compliant with Building Regulations.</p> <p>It must be noted that any new roads or surfaces being developed are compliant with the minimum requirements for the Essex Fire Service Appliance.</p> <p>The applicant is reminded that additional water supplies for firefighting may be necessary for this development.</p> <p>Essex County Fire & Rescue Service urge building owners and developers to consider the installation of Automatic Water Suppression Systems.</p>	Comments noted. It should be noted that these issues are addressed under separate regulation to planning.
Historic England	No comments.	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority (LLFA)	Having reviewed the Strategic Infrastructure Landscape plans the associated documents which accompanied the planning application, the LLFA do not object to the granting of planning permission 21/00961/RES. It is noted that this is in line with the approved outline drainage strategy and as such should be subject to the same conditions applied to the outline application (15/00419/OUT).	Comments noted.

7.3 Internal Consultees (*summarised*)

Name of internal Consultee	Comment	Officer Response
Environmental Health Specialist	Following the submission of the additional information regarding acoustic fence specification, no objection is raised to the application. The detail satisfies the requirements of condition 19, acoustic barrier.	Comments noted.
Conservation and Heritage Officer	No objection is raised. The harm caused to the setting of listed farm buildings at Poplar Grove Farm – through change to their wider arable setting – will be “less than substantial” and can fairly be described as moderately adverse. In this instance, the substantial public benefits would outweigh the harm to the heritage assets.	Comments noted and discussed in section 5.3 of the report.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No representations have been received at the time of writing the report.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

2841-5-2-PH2-DR-0016-S4-P3
F00134-RJL-NA-NA-DR-C-1204
F00134-RJL-NA-NA-DR-C-1205
F00134-RJL-NA-NA-DR-C-1206
F00134-RJL-NA-NA-DR-C-1207
F00134-RJL-NA-NA-DR-C-1208
F00134-RJL-NA-NA-DR-C-1209
F00134-RJL-NA-NA-DR-C-1210
F00134-RJL-NA-NA-DR-C-1211
F00134-RJL-NA-NA-DR-C-1212
F00134-RJL-NA-NA-DR-C-1213
F00134-RJL-NA-NA-DR-C-1235
F00134-RJL-NA-NA-DR-C-1236
F00134-RJL-NA-NA-DR-C-1237
F00134-RJL-NA-NA-DR-C-1238
F00134-RJL-NA-NA-DR-C-1239
F00134-RJL-NA-NA-DR-C-1240
F00134-RJL-NA-NA-DR-C-1241

F00134-RJL-NA-NA-DR-C-1242
F00134-RJL-NA-NA-DR-C-1401
F00134-RJL-NA-NA-DR-C-1402
F00134-RJL-NA-NA-DR-C-1403
F00134-RJL-NA-NA-DR-C-1503
F00134-RJL-NA-NA-DR-C-1505
F00134-RJL-NA-NA-DR-C-1506
F00134-RJL-NA-NA-DR-C-2013
F00134-RJL-NA-NA-DR-C-2115
F00134-RJL-NA-NA-DR-C-2116
F00134-RJL-NA-NA-DR-C-2576
F00134-RJL-NA-NA-DR-SK-0007
2841-5-2-DR-0015-S4-P3
2841-5-2-DR-0017-S4-P3
2841-5-2-PH2-DR-0013-S4-P5
2841-5-2-PH2-DR-0017-S4-P4
A38062-021-B
F00134-RJL-NA-NA-DR-C-2576-P2
01 BUS
A38062-024-B
A38062-023
A38062-022-B
F00134-RJL-NA-NA-DR-C-2576-P2
2841-5-2-DR-0013-S4-P5
A38062-027-A
F00134-RJL-NA-NA-DR-C-2577
2841-5-2-DR-0017-S4-P4
A38062-026
A38062-025-B
2841-5-2-PH2-DR-0010-S4-P6
2841-5-2-PH2-DR-0012-S4-P6
2841-5-2-PH2-DR-0011-S4-P5
2841-5-2-PH2-DR-0014-S4-P4

F00134-RJL-NA-NA-DR-C-1451-P1
 F00134-RJL-NA-NA-DR-C-1452-P1
 F00134-RJL-NA-NA-DR-C-1504-P1
 F00134-RJL-NA-NA-DR-C-2011-P4
 F00134-RJL-NA-NA-DR-C-2012-P5
 F00134-RJL-NA-NA-DR-C-2026-P3
 F00134-RJL-NA-NA-DR-C-2025-P2
 F00134-RJL-NA-NA-DR-C-2024-P2
 F00134-RJL-NA-NA-DR-C-2023-P3
 F00134-RJL-NA-NA-DR-C-2113-P3
 F00134-RJL-NA-NA-DR-C-2114-P3
 F00134-RJL-NA-NA-DR-C-2162-P4
 F00134-RJL-NA-NA-DR-C-2161-P4
 F00134-RJL-NA-NA-DR-C-2163-P4

Strategic Infrastructure RM 2 Landscape Statement

Noise Assessment – Mayer Brown September 2021

Arboricultural Impact Assessment Report – Sharon Hosegood Associates –
 SHA 1012, dated August 2021 Rev A September 2021

Ecological Conservation Management Plan– Phase 2, dated 05 August 2021

Bat Technical Note: Survey Results & Recommendations – EPR

Badger Technical Note: Survey Results and Recommendations – EPR

Acoustic Barrier Specification for RM2, dated 04/02/2021

Proposed Mammal Tunnels July 2021

REASON To ensure that the development is carried out in accordance with the details as approved.

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the RM2 Landscape Statement, Proposed Mammal Tunnels July 2021 and the Ecological Conservation Management Plan: Phase 2, Bat Technical Note: Survey Results & Recommendations (EPR) and Badger Technical Note: Survey Results & Recommendations (EPR) as already submitted with the planning application and agreed in principle with the local planning authority.
REASON To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the guidance contained in the NPPF.

- 3 Prior to the installation of any lighting on site a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
REASON To ensure that the lighting of the development is sensitive to the wildlife interests of the site and adjacent areas in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan, the

endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the guidance contained in the NPPF.

- 4 Prior to the installation of Local Area of Play (LEAP), details of the fencing surrounding the LEAP and litter bins to be installed within it shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
REASON To ensure that sufficient equipment is provided within the Local Area of Play (LEAP) as required by the Greenspace Standards in accordance with the Green Infrastructure Strategy for Maldon District.
- 5 Prior to the installation of Local Area of Play (LEAP), details of the fencing surrounding the LEAP and litter bins to be installed within it shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
REASON To ensure that sufficient equipment is provided within the Local Area of Play (LEAP) as required by the Greenspace Standards in accordance with the Green Infrastructure Strategy for Maldon District.
- 6 Prior to the construction of the pedestrian crossings along the relief road, details of management of pedestrian movement and any associated equipment shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.
REASON To ensure safety of pedestrians and cyclists in accordance with the Policies T1 and T2 of the approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the guidance contained in the NPPF.

INFORMATIVES

- 1 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 2 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 3 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 4 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch / pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 5 The granting of planning permission does not absolve the developer of any amendments required by the Highway Authority under the detailed design highway process; especially any that may compromise highway safety.
- 6 Any trees and non-standard materials/equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.
- 7 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the

- Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
- 8 The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

This page is intentionally left blank