

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson
6 June 2023

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on WEDNESDAY 14 JUNE 2023 at 7.30 pm
in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note: 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/attend in person 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:

COUNCILLORS

M G Bassenger
V J Bell
D O Bown
S J Burwood
J Driver
M F L Durham, CC
T Fittock
A S Fluker
L J Haywood
J C Hughes
K Jennings
K M H Lagan
A M Lay
W J Laybourn
N R Miller
S J N Morgan

C P Morley
M G Neall
P G Pratt
N G F Shaughnessy
R H Siddall
U G C Siddall-Norman
N D Spenceley
P L Spenceley
W Stamp, CC
E L Stephens
J C Stilts
N J Swindle
M E Thompson
S White
L L Wiffen





**AGENDA
DISTRICT PLANNING COMMITTEE**

WEDNESDAY 14 JUNE 2023

1. **Chairperson's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 30)

To confirm the Minutes of the meeting of the District Planning Committee held on 16 February 2023 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

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

5. **22/01174/OUTM - Land North Of The Groves, Burnham Road, Latchingdon**
(Pages 31 - 76)

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

6. **22/01256/RESM - Land South Of Wycke Hill And Limebrook Way (Western), Maldon, Essex** (Pages 77 - 108)

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

7. **23/00321/OUTM - Land West of Maypole Road, Heybridge** (Pages 109 - 140)

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

8. **Any other items of business that the Chairman of the Committee decides are urgent**

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 Nos. 5-7.
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 there is a step up when you enter the Council Chamber.

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.

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**MINUTES of
DISTRICT PLANNING COMMITTEE
16 FEBRUARY 2023**

PRESENT

Chairman	Councillor K M H Lagan
Vice-Chairman	Councillor B B Heubner
Councillors	Miss A M Beale, V J Bell, Mrs P A Channer, R P F Dewick, M F L Durham, CC, M R Edwards, Mrs J L Fleming, CC, A S Fluker, M S Heard, A L Hull, C Mayes, S J N Morgan, C P Morley, S P Nunn, N G F Shaughnessy, R H Siddall, P L Spenceley, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and S White

564. CHAIRMAN'S NOTICES

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

565. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger, B S Beale MBE, R G Boyce MBE, M W Helm and N J Skeens.

566. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 2 February 2023 be approved and confirmed.

567. DISCLOSURE OF INTEREST

There were none.

568. 22/00837/FULM - CML MICROSYSTEMS LIMITED, OVAL PARK, HATFIELD ROAD, LANGFORD

Application Number	22/00837/FULM
Location	CML Microsystems Limited, Oval Park, Hatfield Road, Langford
Proposal	Car parking and installation of surface water drainage system
Applicant	CML Microsystems Plc
Agent	Mr Nick Davey – The JTS Partnership LLP
Target Decision Date	16.02.2023
Case Officer	Devan Hearnah
Parish	LANGFORD

Reason for Referral to the Committee / Council	Major application Allocated Employment Site
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Prior to the meeting a Members' Update was circulated which advised Members that Condition 5 on the Officer's report was no longer necessary and provided a rationale for why the application for car parking and installation of a surface water drainage system was brought forward. Following the Officer's presentation the Agent, Mr Davey, addressed the Committee. The Chairman then opened the discussion.

A debate ensued where Members discussed issues around trees, archaeology, drainage and levels of commercial related traffic. In response Officers advised that:-

- That the Historic Environment Officer at Essex County Council (ECC) had reported that due to disturbance associated with the historic use of the site as a water treatment facility no archaeological recommendations were being made with regard to this application.
- That all impacts on ecology had been investigated and mitigated and no recommendations were received from Natural England. The Arboricultural Officer reported that the tree protection measures in place were sufficient.
- That the Lead Local Flood Authority had been consulted on the application and advised they had no objection to the application subject to three conditions requiring:
 - A surface water drainage scheme;
 - Maintenance details of the surface water drainage system;
 - Yearly logs of maintenance.
- That a full transport assessment had been undertaken factoring in the Garden Suburb, resulting in a modest increase in traffic, nothing that would materially impact on the Highway network.

The consensus of the Committee was support for this application. The site had had numerous applications refused, including a proposal for Housing. This was potentially a really important commercial employment site involving iconic companies operating globally, which will support the prosperity of the district.

Councillor White proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor Fluker. The Chairman put the recommendation to approve to the Committee and it was agreed by assent.

RESOLVED that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings.
2183/DE-10-03A

2183/DE-10-04B
- 3 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by

the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

- 4 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. safe access into the site
- 5 Surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil interceptor, the details of which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of the development.
- 6 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Abrehart Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination
- 7 Prior to the commencement of the development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a finalised Badger Mitigation Strategy.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 8 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 9 Prior to the commencement of development details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings 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 plans, 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 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.

- 10 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event,
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

- The scheme shall subsequently be implemented prior to occupation.
- 11 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The maintenance plan shall be adhered to thereafter.
- 12 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 13 The trees and hedges identified for retention within the Tree Survey, Arboricultural Impact Assessment Preliminary Arboricultural Method Statement and Tree Protection Plan (9054-2 Rev A) which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.
- 14 The vehicle parking providing for 148 vehicle parking spaces and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 15 The bicycle parking facilities as shown on the approved plan 2183 DE 10-03 Rev B for 60 cycle parking spaces, which is attached to and forms part of this permission shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.

- 16 Prior to the first occupation of the development 8 of the parking spaces to be provided shall be laid out and provided as disabled bays in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.
- 17 Prior to the first occupation of the development 8 parking spaces shall be provided with a fast charging point and 8 shall be provided with a power supply to provide additional fast charge sockets in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.

569. 22/00841/OUTM - OVAL PARK EASTERN PLOT, HATFIELD ROAD, LANGFORD

Application Number	22/00841/OUTM
Location	Oval Park Eastern Plot, Hatfield Road, Langford
Proposal	Outline planning permission with the matters of Access for consideration for Business/research park for uses within Use Class E(g), together with new estate road, car parking, service areas and landscaping.
Applicant	CML Microsystems PLC
Agent	Mr Nick Davey – The JTS Partnership LLP
Target Decision Date	16.02.2023
Case Officer	Devan Hearnah
Parish	LANGFORD
Reason for Referral to the Committee / Council	Major application Allocated Employment Site

Following the Officer's presentation the Agent, Mr Davey, addressed the Committee. The Chairman then opened the discussion.

570. ADJOURNMENT OF THE MEETING

Due to technical difficulties the meeting was adjourned at 20:19pm.

571. RESUMPTION OF THE MEETING

Following the resolution of the technical difficulties and with YouTube reinstated the business of the meeting resumed at 20:44pm.

572. 22/00841/OUTM - OVAL PARK EASTERN PLOT, HATFIELD ROAD, LANGFORD (AGENDA ITEM 6 CONTINUED)

The Chairman re-opened the discussion on Agenda Item 6.

A brief debate ensued where, given all four applications on the agenda were interrelated, the consensus again was one of support for this application. It was noted that the development, subject to the imposition of appropriate conditions restricting operation hours, was considered to have an acceptable impact on residential amenity. It was further noted that biodiversity enhancements and green energy initiatives would come forward at reserved matters stage.

Councillor White proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor Durham.

The Chairman but the recommendation to approve subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations to the Committee and it was agreed by assent.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to the following conditions:

1. Details of the layout, scale appearance and landscaping (hereinafter called “the reserved matters”) of each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins in that and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than five years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

2. As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers for each phase shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the phase to which it relates and be retained in perpetuity as such thereafter.
3. The landscaping details for each phase as referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works for the relevant phase, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters for that phase. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

4. Prior to their use in the construction phase of the development, product details or samples of all materials to be used in the construction of the external surfaces of the phase hereby permitted shall have been submitted to and approved in writing by the local planning authority. The phase of development shall be carried out using the materials and details as approved.

- 5 No development in any phase shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
- 6 Cycle parking details for each phase, which shall be secure, convenient, covered and retained in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority. The cycle provision shall be implemented prior to the occupation of the relevant phase and retained in perpetuity.
- 7 Prior to the first occupation of each phase of the development 5% of the parking spaces to be provided shall be laid out and provided as disabled bays in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.
- 8 Prior to the first occupation of each phase of the development 5% of the overall parking spaces shall be provided with a fast charging point and a further 5% shall be provided with a power supply to provide additional fast charge sockets in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.
- 9 As part of the Reserved Matters for each phase a landscape management plan shall be submitted, including long term design objectives (5 year period), phasing, and maintenance schedules for all landscape areas within that phase. The landscape management plan shall be carried out in accordance with the details as approved.
- 10 Prior to or concurrent with the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
 - a) The principal phases of the development such as the buildings
 - b) The green infrastructure, including the sequencing of open space and footpaths
 - c) Structural landscaping/planting provisions;

The development shall be implemented in accordance with the approved Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority pursuant to this condition.
- 11 The premises shall only be used for uses which can be carried out in a residential area without detriment to its amenity which are defined within Class E(g) of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 12 The development hereby permitted (7,600m² of floorspace) shall not consist of greater than 50% of floor space falling within Use Class E(g)(i).
- 13 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. safe access into the site
- 14 Prior to first occupation of any phase of the development the developer shall implement the following works, as shown indicatively on TPA Drawing no. 2107-044-PL102, with all details being agreed with the Highway Authority:
- An improved bus lay-by shall be provided on the westbound side of Hatfield Road with raised height kerbs, new flagpole, timetable display and shelter.
- An improved bus lay-by shall be provided on the eastbound side of Hatfield Road with raised kerbs, new flagpole and timetable display.
- The provision of a 2m wide footway link from the site., to the proposed bus stops, with dropped kerb crossing points across Hatfield Road.
- 15 Prior to first occupation of any phase of the proposed development, the developer shall augment existing Passenger Transport services to achieve an hourly bus service (07.00 to 10.00 and 15.00 to 19.00) between Hatfield Peverel and Maldon from Monday to Saturday for a minimum period of 5 years. Full details are to be agreed with the Local Planning Authority.
- 16 Prior to the first occupation of any phase of the development the internal access arrangements, and turning areas as indicated on the approved plans for that phase shall be provided, hard surfaced, sealed and marked out. The access, and turning areas shall be retained in perpetuity for their intended purpose.
- 17 The scheme to be submitted pursuant to the reserved matters for each phase shall make provision for car parking spaces within that phase in accordance with Maldon District Council's adopted standards. Prior to the occupation of each phase of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 18 No building on any part of the development shall exceed 11 metres in height.
- 19 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 20 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.
- 21 No works except demolition shall takes place within any phase until a detailed surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme for that phase shall subsequently be implemented prior to occupation of that phase. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

- 22 No works shall take place within a phase until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- 23 Prior to occupation of any phase a maintenance plan detailing the maintenance arrangements for that phase including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The maintenance plan shall be adhered to thereafter.
- 24 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 25 Prior to the development of the construction above damp proof course details of the foul drainage scheme to serve the phase, including connection point and discharge rate shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 26 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Abrehart Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 27 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority for each phase.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a finalised Reptile Mitigation Strategy.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 28 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 29 Prior to the commencement of development in a phase details of the external lighting strategy for that phase including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features 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 plans, 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 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.

- 30 No development shall commence within a phase until a Tree Protection Method Statement has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection. The trees identified on plan 9054-D4-AIA-A for retention and tree T2-4 shall be retained.

Any protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

- 31 The rating level of noise emitted by all fixed plant on the site shall not exceed 40dB at the boundary with any noise sensitive at any time. The measurement and assessment shall be made according to BS 4142:2014.
- 32 Prior to the first operation of the development within a phase hereby approved, details of the proposed operating hours of that phase will be submitted to and agreed in writing by the Local Planning Authority. There will be no operation of the site outside of the agreed hours.

573. 22/00840/FULM - OVAL PARK NORTHWEST PLOT, HATFIELD ROAD, LANGFORD

Application Number	22/00840/FULM
Location	Oval Park Northwest Plot, Hatfield Road, Langford
Proposal	Erection of building for Sui Generis purposes, together with car parking, servicing areas and landscaping.
Applicant	Maldon Salt Crystal Company Ltd
Agent	Mr Nick Davey – The JTS Partnership LLP
Target Decision Date	16.02.2023
Case Officer	Devan Hearnah
Parish	LANGFORD
Reason for Referral to the Committee / Council	Major application Allocated Employment Site

Following the Officer's presentation the Agent, Mr Davey, addressed the Committee. The Chairman then opened the discussion.

Once again after a brief debate the consensus was one of support for the application. Councillor White proposed that it be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor Thompson.

The Chairman put the proposal to approve subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as

amended) to secure the planning obligations to the Committee and it was agreed by assent.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings:
2167 DE 10-03A 2167 DE 20-04 A

2167 DE 10-04 B 2167 DE 20-05 A

2167 DE 20-01 A 2167 DE 30-01 A

2167 DE 20-02 A 2188 DE 10-01 B

2167 DE 20-3 A
3. Prior to their use in the construction of the development, product details, including photographs or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
4. Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:
 - 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
 - 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
 - 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

- 5 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. safe access into the site
- 6 No development shall commence until a Tree Protection Method Statement has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection.

Any protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

- 7 Prior to the development of the construction above damp proof course details of the foul drainage scheme to serve the development, including connection point and discharge rate shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained thereafter.
- 8 Full details of construction of the acoustic barrier in the north western area of the site, (marked by an orange line in Appendix 2 of the Sharps Acoustics LLP, Noise Impact Assessment date 22 June 2022), shall be submitted to the Local planning authority. The acoustic barrier shall be completed prior to first occupation of the site in accordance with the approved detail.
- 9 The rating level of noise emitted by all fixed plant on the site shall not exceed 40dB at the boundary with any noise sensitive at any time. The measurement and assessment shall be made according to BS 4142:2014
- 10 The development shall not be brought into operation until a such a time as the alternative car parking provision granted under the provisions of application 22/00837/FULM has been implemented in full and is in operation.
- 11 Prior to the first occupation of the development the internal access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 12 Prior to the first operation of the development hereby approved, details of the proposed operating hours will be submitted to and agreed in writing by the Local Planning Authority. There will be no operation of the site outside of the agreed hours.
- 13 Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.
- 14 Prior to the commencement of development details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings 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 plans, 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 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.

15 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation and retained in perpetuity.

16 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The maintenance plan shall be adhered to thereafter.

17 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 18 The development hereby permitted shall not be commenced until the existing pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition
- 19 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- 20 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.

- 21 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Abrehart Ecology, November 2021), Reasonable Avoidance Measures Method Statement for Bats (Abrehart Ecology Ltd., January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination and shall be retained in perpetuity.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 22 Prior to the commencement of any works a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 23 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 24 Prior to first occupation of the development the developer shall implement the following works, as shown indicatively on TPA Drawing no. 2107-044-PL102, with all details to be submitted to and agreed by the Local Planning Authority:
- An improved bus lay-by shall be provided on the westbound side of Hatfield Road with raised height kerbs, new flagpole, timetable display and shelter.
 - An improved bus lay-by shall be provided on the eastbound side of Hatfield Road with raised kerbs, new flagpole and timetable display.
 - The provision of a 2m wide footway link from the site, to the proposed bus stops, with dropped kerb crossing points across Hatfield Road.
- 25 Prior to any works above ground level details shall be submitted to and agreed in writing by the Local Planning Authority relating to existing 40mph TRO and whether any amendments are necessary as a result of the highway works. Any necessary amendments to the 40mph TRO shall be carried out prior to the first occupation of the development.
- 26 Prior to first occupation of the proposed development, the developer shall augment existing Passenger Transport services to achieve an hourly bus service (07:00 to 10:00 and 15:00 to 19:00) between Hatfield Peverel and Maldon from Monday to Saturday for a minimum period of 5 years. Full details are to be agreed with the Local Planning Authority.
- 27 The bicycle parking facilities as shown on the approved plan 2167 DE 10-04 Rev B for 60 cycle parking spaces, which is attached to and forms part of this permission shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.
- 28 Prior to the first occupation of the development 5 of the parking spaces to be provided shall be laid out and provided as disabled bays in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.
- 29 Prior to the first occupation of the development 4 parking spaces shall be provided with a fast charging point and 4 shall be provided with a power supply to provide additional fast charge sockets in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity

574. 22/00858/FULM - OVAL PARK SOUTHERN PLOT, HATFIELD ROAD, LANGFORD

Application Number	22/00858/FULM
Location	Oval Park Southern Plot, Hatfield Road, Langford
Proposal	Erection of building for Sui Generis purposes, together with new estate road, car parking, service areas and landscaping.
Applicant	TECNIQ Limited
Agent	Mr Nick Davey – The JTS Partnership LLP
Target Decision Date	16.02.2023
Case Officer	Devan Hearnah
Parish	LANGFORD
Reason for Referral to the Committee / Council	Major application Allocated Employment Site

Following the Officer's presentation the Agent, Mr Davey, addressed the Committee. The Chairman then opened the debate.

A short discussion ensued which reflected a consensus of support. Councillor Siddall proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded by Councillor White.

The Chairman put the proposal to approve subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations to the Committee and it was agreed by assent.

RESOLVED that the application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out and retained in complete accordance with following approved drawings:

2177-DE-10-03A	2177-DE-20-03A
2177-DE-10-04B	2177-DE-20-04A
2177-DE-20-01A	2177-DE-20-05A
2177-DE-20-02A	2177-DE-20-05A
2177-DE-40-01A	
2188-DE-10-01B	
3. Prior to their use in the construction of the development, product details, including photographs or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted

to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

- 4 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings
- 6) Details of street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

- 5 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. safe access into the site

- 6 No development shall commence until a Tree Protection Method Statement has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection.

Any protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in

- writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.
- 7 Prior to the development of the construction above damp proof course details of the foul drainage scheme to serve the development, including connection point and discharge rate shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained thereafter.
 - 8 The rating level of noise emitted by all fixed plant on the site shall not exceed 40dB at the boundary with any noise sensitive at any time. The measurement and assessment shall be made according to BS 4142:2014
 - 9 The development shall not be brought into operation until a such a time as the alternative car parking provision granted under the provisions of application 22/00837/FULM has been implemented in full and is in operation.
 - 10 Prior to the first operation of the development hereby approved, details of the proposed operating hours will be submitted to and agreed in writing by the Local Planning Authority. There will be no operation of the site outside of the agreed hours.
 - 11 No machinery shall be operated, and no process shall be undertaken outside of the building.
 - 12 Prior to the commencement of development details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings 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 plans, 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 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.

- 13 Prior to the first occupation of the development the internal access arrangements, vehicle parking for 224 spaces and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 14 Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.
- 15 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event, OR, if impracticable
- Demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation and retained in perpetuity

- 16 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. The maintenance plan shall be adhered to thereafter.
- 17 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 18 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Abrehart Ecology, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination and shall be retained in perpetuity.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 19 Prior to the commencement if any works a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a finalised Reptile Mitigation Strategy and Badger Mitigation Strategy.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.

- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 20 Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 21 Prior to first occupation of the development the developer shall implement the following works, as shown indicatively on TPA Drawing no. 2107-044-PL102, with all details to be submitted to and agreed by the Local Planning Authority:

- An improved bus lay-by shall be provided on the westbound side of Hatfield Road with raised height kerbs, new flagpole, timetable display and shelter.
- An improved bus lay-by shall be provided on the eastbound side of Hatfield Road with raised kerbs, new flagpole and timetable display.
- The provision of a 2m wide footway link from the site, to the proposed bus stops, with dropped kerb crossing points across Hatfield Road.

- 22 Prior to first occupation of the proposed development, the developer shall augment existing Passenger Transport services to achieve an hourly bus service (07.00 to 10.00 and 15.00 to 19.00) between Hatfield Peverel and Maldon from Monday to Saturday for a minimum period of 5 years. Full details are to be agreed with the Local Planning Authority.

- 23 Prior to any works above ground level details shall be submitted to and agreed in writing by the Local Planning Authority relating to existing 40mph TRO and whether any amendments are necessary as a result of the highway works. Any necessary amendments to the 40mph TRO shall be carried out prior to the first occupation of the development.

- 24 The bicycle parking facilities as shown on the approved plan 2177 DE 10-04 Rev B for 90 cycle parking spaces, which is attached to and forms part of this permission shall be provided in accordance with the approved scheme prior to the first occupation of the development and retained for such purposes thereafter.

- 25 Prior to the first occupation of the development 12 of the parking spaces to be provided shall be laid out and provided as disabled bays in accordance with the

- Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.
- 26 Prior to the first occupation of the development 10 parking spaces shall be provided with a fast charging point and 10 shall be provided with a power supply to provide additional fast charge sockets in accordance with the Maldon District Vehicle Parking Standards Supplementary Planning Document (November 2018) or any subsequent revision and shall be retained in perpetuity.

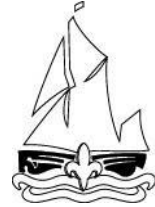
575. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There were none and the Chairman took the opportunity to thank Planning Officers for their work on the reports and IT Officers for resolving the technical difficulties in a timely manner.

The meeting closed at 9.20 pm.

K M H LAGAN
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
14 JUNE 2023**

Application Number	22/01174/OUTM
Location	Land North Of The Groves, Burnham Road, Latchingdon
Proposal	Outline planning application (with all matters reserved except for means of access from Steeple Road and Burnham Road) for residential development of up to 160 dwellings including affordable housing, 5% bungalows, 100sqm of office hub floorspace, 0.21ha of land for children's day nursery and associated parking (Use Class E), community park, sustainable urban drainage system and associated infrastructure.
Applicant	Mr G & J Ferguson - Catesby Strategic Land Ltd
Agent	Ms Lynsey Rigg - Armstrong Rigg Planning
Target Decision Date	06.03.2023 – EoT agreed to 30.06.2023
Case Officer	Tim Marsh
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Major application

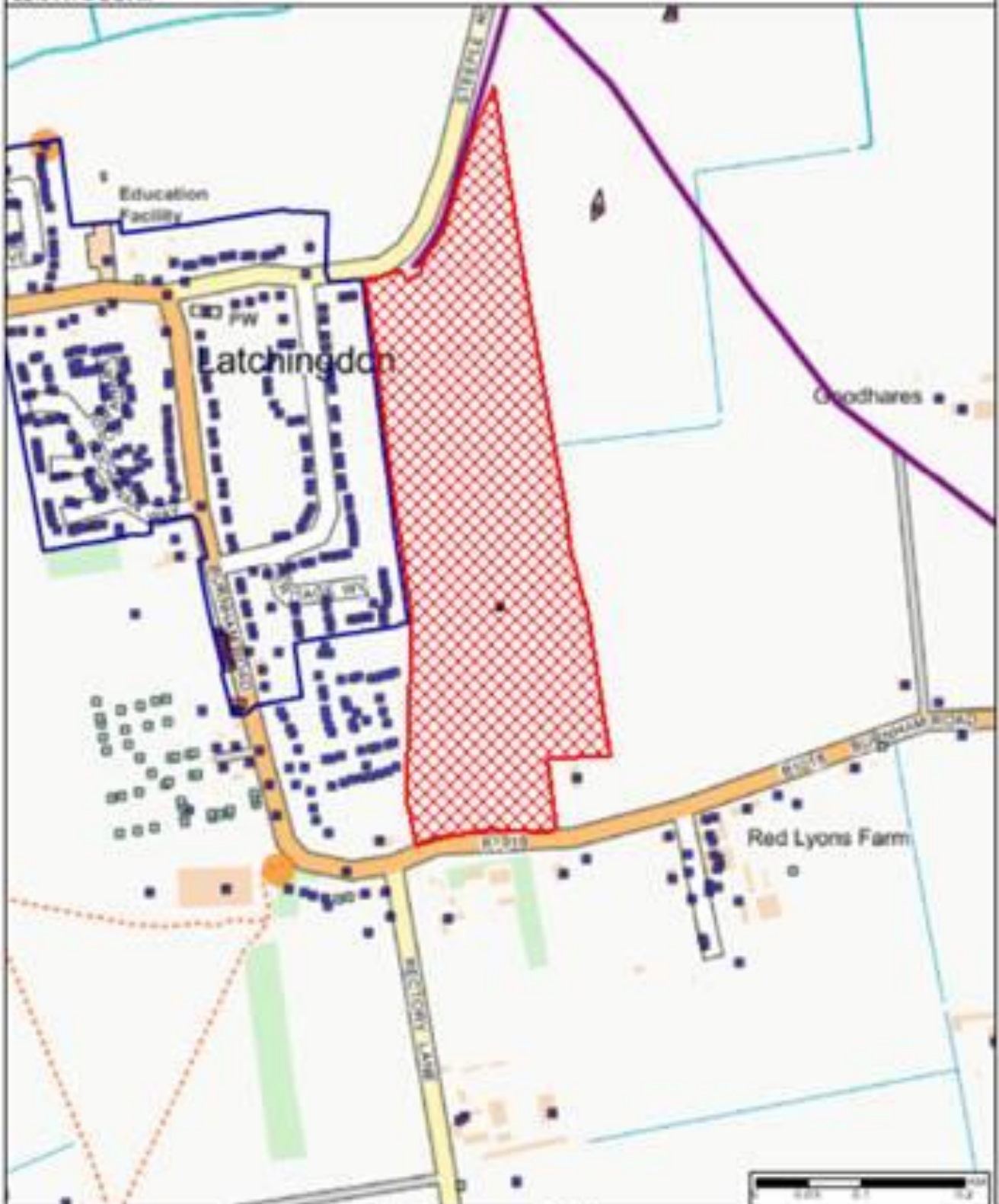
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 9.

2. SITE MAP

Please see below.

Land North of The Groves, Burnham Road, Latchingdon
22/01174/OUTM



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Planning Committee
	Date:	18/05/2023
	MSA Number:	100018588

Summary

2.1 Proposal / brief overview, including any relevant background information

Site description

- 2.1.1 The site is predominantly flat, rectangular in shape and approximately 10Ha in size. It lies adjacent to but outside the eastern edge of the defined settlement boundary for Latchingdon and comprises of two agricultural fields south of Steeple Road and north of Burnham Road, and includes some native hedgerows, boundary trees and ditches. Detached dwellings bounded by mature hedges lie to the south and to the west more modern residential development currently form the edge of the village. The site is not the subject of any national or local landscape designations.
- 2.1.2 The site is identified as suitable as a potentially suitable location for housing (reference LD4 and LD6) in the Council's Housing and Economic Land Availability Assessment (HELAA) January 2022.

Description of proposal

- 2.1.3 The application has been submitted in outline form with all matters of detail reserved for future determination, except for means of access to the site. It proposes a residential development of up to 160 homes, including affordable housing, 5% bungalows, 100sqm of office hub floorspace, 0.21ha of land for children's day nursery and associated parking (Use Class E), community park, sustainable urban drainage system and associated infrastructure.
- 2.1.4 Two points of vehicular access proposed, one from the south off the B1018 Burnham Road and Steeple Road to the north. The proposed development would thus create a new pedestrian (but not vehicular) link from S-N between the two main roads running E-W to and from Latchingdon. A new Pedestrian link into the site from Beech Drive is also identified on the site's western boundary.
- 2.1.5 In summary the supporting information and the illustrative masterplan provided propose:
- Up to 160 homes at a density of around 18dph gross comprising a mix of sizes, types and tenures in line with identified need and no greater than two storeys in height.
 - Up to 64 (40%) affordable homes.
 - Land for a children's day nursery.
 - Land for a 100sqm office hub.
 - Significant green infrastructure in the eastern part of the site, with potential use as public open space as part of a new community park, children's play area and a Multi-Use Games Area (MUGA).
 - Allotments.
 - A Sustainable Urban Drainage System (SuDS).
 - Retention of important trees, woodland and hedgerows within the site and on its boundaries with enhanced landscape planting.
 - New soft landscape features within the development to replicate the character of the village edge and soften its impact.
 - Policy-compliant car and cycle parking.

- Retention of an existing World War 2 (WW2) Pillbox.

Background

- 2.1.6 This application has been made following the Council's call for sites as part of the ongoing review of the Maldon District Local Plan, and identification of the land as a potentially suitable location for housing (reference LD4 and LD6) in the Council's HELAA January 2022. It should be clearly noted however that the HELAA does not allocate land for development or presume that a planning application would be supported. The Maldon District HELAA has been prepared having regard to the published Government guidance that is applicable to all other local planning authorities in England as well, and the methodology used is set out in the HELAA Report.
- 2.1.7 Pre application advice on the proposal subject of this application was issued under application 22/03117/PREAPP. The advice concluded that a form of residential development based on the proposed illustrative masterplan could potentially be recommended favourably for planning permission under the tilted balance subject to:
- Confirmation that existing facilities and services have the capacity to meet the demands arising from the significant additional growth in population that the proposed housing would generate.
 - Provision for affordable housing in accordance with the Council's requirements.
 - Provision for access, parking and highway safety to the satisfaction of Essex County Council as Highway Authority.
 - Provision for ecology and biodiversity to the satisfaction of Essex County Place Services and Natural England (NE).
 - Confirmation of adequate provision for surface and foul water drainage.
 - Confirmation that the Conservation Officer concurs with the conclusions of the applicant's Heritage Impact Assessment that the proposal would not harm the significance or an appreciation of any heritage assets.
 - A Section 106 (S106) Agreement to secure the provision of on-site affordable housing and open space, contributions for improvements to health care services, and the Recreation Disturbance Avoidance Mitigation Strategy (RAMS) contribution.
 - Improved connections to the existing village.
 - The provision of useable spaces including children's play areas and a MUGA.
 - The creation of a more active frontage to the development on Steeple Road.
 - The provision of a Landscape and Visual Impact Assessment (LVIA) to confirm that the proposal would have an acceptable impact on the landscape.
- 2.1.8 Draft Heads of Terms have been submitted to support the proposal, and include obligations regarding affordable housing, a children's day nursery, education, health, a RAMS contribution, public open space, highway works and a travel plan.
- 2.1.9 The application is accompanied by a number of supporting documents:
- Planning Statement
 - Design and Access Statement

- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Archaeology and Heritage Assessment
- Transport Assessment
- Phase 1 Desk Study Assessment of Ground Conditions
- Landscape and Visual Appraisal (Wynne-Williams Associates Ltd, September 2022)
- Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates Ltd, September 2022)
- Biodiversity Metric (Impact Assessment)
- Ecology Impact Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Health Impact Assessment
- Lighting Impact Assessment
- Draft Heads of Terms – S106 Agreement,

2.1.10 In support of the proposal, the Planning Statement highlights the shortfall of affordable homes within the District. The proposal would provide for 64 affordable homes.

2.2 Conclusion

2.2.1 Having taken all material planning considerations into account, it is considered that although located outside any settlement boundary, and that the tilted balance, is no longer applicable due to the Council's Five Year Housing Land Position (5YHLS), there are several factors that weigh substantially in favour of the development.

2.2.2 In addition to economic benefits associated with temporary jobs during the construction of the development, the inclusion of an office hub and children's nursery would be beneficial in economic terms. In social terms the proposals would make a significant contribution to the supply of housing in the District, and although the Council can now demonstrate that it has 6.35 years Housing Land Supply (HLS), maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions and the District still has a shortfall of affordable housing. The proposal would provide 160 new homes of which 64 would be affordable and thus it would make a significant contribution to maintaining a 5YHLS and help to address the shortfall in affordable housing. It would also provide a significant amount of new public open space of recreational value to the existing community as well as future residents. In environmental terms, the development would have a degree of visual impact on the character and setting of the town, although this would be limited provided the principles set out in the masterplan and the terms of the S106 and requirements of the recommended conditions are followed.

2.2.3 Sufficient information has been provided to conclude that the development would not cause harm to the amenity of the occupiers of existing residents, highway safety or

nature conservation that could not be satisfactorily addressed at reserved matters stage. The development is satisfactory in terms of flood risk, drainage, contamination, ecology and archaeology subject to detailed matters relating to these and other remaining considerations which could be adequately addressed at reserved matters stage or through the imposition of conditions.

- 2.2.4 The applicant has agreed to enter into a S106 Agreement to secure obligations for the provision of affordable housing, the children's day nursery and office hub, education, health, public open space, highway works, two new bus stops, a Travel Plan and a RAMS contribution.
- 2.2.5 For the reasons summarised above the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.

3. MAIN RELEVANT POLICIES

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

3.1 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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 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
- 152-173 Meeting the challenges of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189 – 208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- S6 Burnham-on-Crouch Strategic Growth
- D1 Design Quality and the Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets

- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- 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
- I2 Health and Wellbeing

3.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

4. MAIN CONSIDERATIONS

4.1 Principle of Development

- 4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions to be made in accordance with the Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 4.1.2 Policy S1 of the LDP states that "*When considering development proposals the Council will take a positive* Policy S1 of the LDP states that '*When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF*' and apply a number of key principles in policy and decision making set out in the Policy.
- 4.1.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic

character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP. Policy I2 states that suitable types of residential development which cater for the ageing population and support healthy and independent lives will be provided. Policy H3 also supports the provision of housing for 'specialist' needs.

- 4.1.4 As per paragraph 74 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District is expected to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old."* To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.
- 4.1.5 Work has recently been carried out by the Council in reviewing the suitability of the 5 Year Housing Land Supply methodology through its 5 Year Housing Land Supply Working Group established in August 2022. The work has now assessed the current 5YHLS figure as 6.35 years. At its Statutory Annual Council meeting on 18 May 2023 the Council subsequently confirmed that the official 5YHLS for the Maldon District now stands at 6.35 years, updating the previous official position for 2021 / 22 of 3.66 years that is quoted in published Area Planning Committee reports. This means that the Council presumption in favour of sustainable development position against Paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the local plan), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.
- 4.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. However, sites outside of the defined development boundaries could still be judged to be 'sustainable development' through the three dimension tests of the NPPF'. The LPA are, however obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. Paragraph 78 of the NPPF states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."*
- 4.1.7 Latchingdon is considered a 'smaller village' under the terms of Policy S8 which states inter alia that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only

be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a list of types of development that do not include housing. However, Latchingdon has a number of services and facilities including three shops, a primary school, a nursery, sports facilities, shoppers and commuter bus services, allocated employment land and is therefore considered a sustainable settlement.

- 4.1.8 Taking into account the observations made by the two Inspectors in allowing appeals for residential next to the site at Beech Drive (see Section 7 below – Relevant Planning History) and based on the information the site is considered to be a sustainable location for new housing. The Highways Authority has confirmed that there is adequate capacity on the local road network and that it would be possible to achieve satisfactory access arrangements for vehicles, pedestrians and potentially other road users to serve the development, subject to the various highway and transport infrastructure improvements to be secured by conditions and through a s106 agreement.
- 4.1.9 Although the site is located outside of the defined settlement boundary for Latchingdon, in light of the above and for the detailed reasons set out below the provision of housing on the site is considered to be acceptable in principle.

4.2 Housing Need

- 4.2.1 The NPPF is clear that housing should be provided to meet an identified need.
- 4.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 4.2.3 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Market Housing

Dwelling size	LHNA requirement	Proposed
1 bedroom	Up to 10%	7%
2 bedrooms	25-35%	15%
3 bedrooms	40-50%	43%
4+ bedrooms	15-25%	35%

- 4.2.4 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District's housing stock provides for a wide range of housing needs and offers choice.
- 4.2.5 As part of the application an indicative housing mix has been provided that meets the LHNA requirements. It is a key component of the Planning system, including guidance contained within the NPPF, that the right type of housing is delivered for the community. Since the mix proposed is only indicative a condition is recommended to

ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA.

4.3 Affordable Housing

4.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide 64 affordable dwellings on the site.

4.3.2 Annex 2 of the NPPF defines Affordable Housing as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)".

4.3.3 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day to day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.

4.3.4 The site falls within the Maldon South area where there is a requirement of 40% Affordable Housing. The Local Housing Needs Assessment 2021 (LHNA) identifies a tenure split of 75% Affordable/Social Rented and 25% Intermediate Housing. The Government is now proposing First Homes as an Intermediate Housing product and if this option of Intermediate tenure is pursued, the Council would agree to the Governments criteria set for this form of Affordable Housing.

4.3.5 The LHNA identifies a breakdown of sizes of Affordable units is as follows –

Affordable Ownership

1 bed - 15-25%
2 bed - 35-45%
3 bed - 25-35%
4 bed+ - 5-15%

Affordable Rented

1 bed - 30-40%
2 bed - 30-40%
3 bed - 20-30%
4 bed+ - Up to 10%"

4.3.6 The LHNA also stipulates that consideration should be given to requiring all dwellings to meet the M4(2) standards as a starting point and that the Affordable dwellings be developed to Nationally Designed Space Standards to meet the needs of single / couples and families on the Housing Register.

4.3.7 The Applicant has committed to delivering the required 40% Affordable Housing provision on site and will therefore be Policy compliant. The proposed Affordable dwellings – tenure, property size and location will be agreed at Reserve Matters stage. The Council's Strategic Housing Services therefore fully support the

Application as it will provide the required percentage of Affordable Housing and because the proposed new dwellings will greatly assist in meeting the Housing needs of the district.

4.3.8 The S106 Agreement will ensure that the above requirements are met and will also ensure that:

- 25% of the affordable home ownership products would be provided as First Homes to meet the requirements of the NPPF.
- As many of the dwellings as possible would meet M4(2) standards
- 10% of homes would meet Part M4(3)- wheelchair user dwellings, with a higher percentage being provided within the affordable housing units.
- The gross costs of the affordable units (rent/service charge) will be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.
- An Affordable Scheme detailing tenure, cost, allocation of units
- The Affordable units are required to meet Nationally Described Space Standards.

4.3.9 The Affordable Housing Officer supports the application subject to compliance with the terms set out above.

4.4 Scale of Development / Infrastructure capacity

4.4.1 As acknowledged in the relatively recent past by two Inspectors' in allowing separate appeals (see planning history above) for development next to the site, Latchingdon is considered to be a sustainable location for new development. The scale of the proposed development relative to the size of the existing settlement is clearly significant and it is evident that the local community have strong concerns regarding the capacity of the various attendant infrastructure serving the village. However the relevant consultee responses serve to confirm that, subject to the conditions recommended, existing facilities and services could meet the demands arising from the additional growth in population that the proposed housing would generate.

4.4.2 The conditions and obligations in the s106 require various improvements to the attendant infrastructure including for highways and transport, drainage, education and health in accordance with the consultees recommendations. Subject to these requirements the scale of development is considered to be acceptable for the following reasons.

4.4.3 Education

4.4.3.1 Essex County Education have advised that there is sufficient capacity within the existing early years and childcare provision and that therefore a financial contribution is not required.

4.4.3.2 In terms of Primary School provision, the development would generate the need for an additional 48 places. The developer has agreed to make the necessary financial contribution specified by Essex County Education to fund this (estimated total cost of £828,864 (January 2020 prices). for provision at Latchingdon Church of England Primary school.

4.4.3.3 The nearest secondary school is over 5km from the site and the priority admissions area secondary school for Latchingdon is Ormiston Rivers Academy which has recently increased their Admission Number to 210 pupils per year group. In addition, the school is grouped with William de Ferrers and the combined forecast for the area suggests that further capacity will be required, and that it is anticipated that William de Ferrers will also take additional pupils from September 2023. However, even with this expansion, forecasts set out in the 10 Year Plan suggest further action may be required to ensure a suitable number of unfilled places is retained. In accordance with Essex County Education's specified requirements the developer has agreed to make the necessary financial contribution (estimated total cost of £828,864 (January 2020 prices) for provision of the necessary additional 32 secondary school places. They have also agreed to a school transport contribution of £159,296 (January 2020 prices) to ensure satisfactory access for pupils to secondary schools.

4.4.3.4 With regards to other education facilities, in accordance with ECC Education's advice the developer has agreed to make a financial contribution of £12,448 (January 2020 prices) towards the improvement, enhancement and extension of additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

4.4.4 Health

4.4.4.1 The National Health Service (NHS) have advised that the capacity of primary healthcare facilities in the area of the proposed development are already below the recognised standards of provision for the existing population and that additional population growth from the new development would add to the deficit and so would be unsustainable if unmitigated.

4.4.4.2 The NHS has provided the following table which serves as a useful summary of the existing position with healthcare services within 2km of the site:

GP surgeries within 3km	Weighted List Size ¹	NIA (m ²) ²	Capacity ³ for current weighted list size	Spare Capacity (NIA m ²) ⁴
Dengie Medical Partnership	6,270	443.00	429.94	13.06
Trinity Medical Practice	4,515	118.48	309.59	-191.11
Existing floorspace excess / deficit		Existing deficit of 178.05m ²		

4.4.4.3 The developer has agreed to make the necessary financial contributions to address this current shortfall in capacity of this attendant health service provision in accordance with the detailed assessment and recommendations provided by the NHS. The NHS have confirmed that the terms for this are appropriate having regard to the formulated needs arising from the development and that the basis and value of the following developer contributions is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

- Capital contribution of £79,300 required to create additional primary care floorspace for support the population arising from the proposed development.
- Capital contribution of £37,300 towards the cost of providing ambulance station estate to provide services for the additional 384 residents arising from the proposed development

4.4.4.4 This equates to a total capital contribution of £116,600 to increase capacity for the benefit of patients of the primary care network operating in the vicinity of the

application site and for ambulance service capacity to serve the population generated by the development.

Drainage - see section 5.9 below.

4.5 Layout including Public Open Space and Landscaping

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

4.5.2 Paragraph 126 of the NPPF states that:

“The creation of high-quality 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....”

4.5.3 Paragraph 134 states that:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents...”

4.5.4 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

4.5.5 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 4.5.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).
- 4.5.7 The indicative framework plan shows a N-S arrangement with substantial new public open space and landscaping along the eastern outward facing edge of the proposed development. It is proposed to provide SuDS features, areas for children's play, recreation, a MUGA, footpaths, and a foul water pumping station within this green space.
- 4.5.8 The Proposed Illustrative Masterplan is considered to meet requirements for high quality layouts and relevant provisions of the MDDG (2017) including the following:
- There is a hierarchy to the proposed streets in terms of width and use of shared surfaces in accordance with MDDG (C03). The main site access road has been designed to connect Burnham Road and Steeple Road and the side streets link with the open space along the eastern edge and provision is made for buildings to create an active frontage onto these areas.
 - The proposals strengthen and retain existing natural features of biodiversity value such as hedgerows, ditches and watercourses in accordance with MDDG (C02). The new landscape edge is proposed to be multi-functional and physically it would assist integration of the scheme into the wider landscape.
 - MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.
 - MDDG (C19) requires green infrastructure and structural landscape to be used to create an integrated soft edge. With regards to this the eastern edge of the proposed development seeks to positively address the landscape. The provision of a nursery and office hub at the northern end of the site will help create an active frontage to the development on Steeple Road.
 - The eastern edge of the proposed development is lower density consistent with advice in the MDDG (C13) that density should be appropriate to the location and respond to and/or enhance the character of the existing settlement and context and that lower densities may be more appropriate in edge of settlement sites.

4.6 Landscape and Visual Impact

- 4.6.1 The development would be visible due to the characteristics of the surrounding landscape but there are limited visual receptors with a limited number of private dwellings and the nearest Public Rights of Way are some distance away such that visual impacts do not constrain the site significantly. The substantial green buffer proposed on the eastern edge of the scheme would soften the visual impact of the development in wider views and the landscape and Visual appraisal provided with the application is considered to confirm this.

4.7 Access, Parking and Highway Safety

4.7.1 Essex County Council has been consulted and following consideration of a Road Safety Audit provided during the course of the application. They are supportive of the proposals subject to the recommended conditions which in summary require the developer to comply with the following requirements which can be addressed by means of the recommended conditions and obligations in the S106 Agreement:

- Minimum visibility splays with a 2m wide footway to the western side and a 3.5m shared use ped/cycleway entrance into the site from Steeple Road.
- A pair dropped kerb crossing points, with tactile paving, across Lawlinge Road.
- Extension of the 30mph speed limit to the north of the site entrance, with appropriate signing and lining as necessary, and gateway features.
- A zebra crossing across Steeple Road.
- Two new bus stops on Burnham Road, located to the east of the proposed vehicular access and provided with a suitable 2m footway, either along the site frontage or internally within the site.
- A contribution of up to £450,000 (four hundred and fifty-thousand pounds index linked), payable to Essex County Council, for improvements to bus services past the site to Maldon, Southminster and Burnham-on-Crouch.
- A residential Travel to be actively implemented for a minimum period from first occupation until 1 year after final occupation and accompanied by an annual monitoring fee of £1,596.
- A Residential Travel Information Pack for sustainable transport.

4.7.2 Subject to compliance with the above and the recommended conditions for car and cycle parking, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

4.8 Residential Amenity

4.8.1 LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling. LDP Policy D1 also 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). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety. The indicative layout is considered to be sufficient to demonstrate that there is sufficient space within the site for these requirements to be met with specific details to be determined at reserved matters stage.

4.9 Surface and Foul Water Drainage

4.9.1 The site is located in Flood Zone 1 and a SuDS are proposed to naturally manage the surface water run-off in the lowest part of the site based on the 1 in 100 year plus 40% climate change scenario.

4.9.2 Essex County Council's Drainage Team as the Lead Local Flood Authority have confirmed that the proposal is acceptable in drainage terms subject to the recommended conditions. The proposal therefore accords with LDP policy D5 and related relevant provisions of Section 14 of the NPPF.

- 4.9.3 The development is in the catchment of Latchingdon Water Recycling Centre which Anglian Water have confirmed does not have the capacity to treat the foul waterflows from the proposed development. Whilst local resident's concerns regarding this are understandable, Anglian Water are obligated to accept the foul flows from any development with the benefit of planning consent. Therefore, although there is currently insufficient foul drainage infrastructure in place to serve the development, this current lack of capacity does not preclude the development or constitute a tenable reason for refusal. This is however subject to the recommended condition requiring the submission and approval of a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network.

4.10 Ecology and Biodiversity

- 4.10.1 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." Conservation and enhancement of the natural environment is also a requirement of the NPPF. Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 4.10.2 With regards to these requirements , the proposed provision of generous areas of new planting, landscaping and public open space provide good potential for achieving biodiversity net gain. An Ecological Impact Assessment and assessment of potential impacts on Great Crested Newts have been provided. NE and Essex County Council Ecology have both confirmed that these demonstrate the proposals are acceptable in terms of their impact on ecology and that the proposals will result in a net gain in biodiversity subject to provision of the mitigation measures identified in these assessments, which can be secured by conditions as is recommended.

4.11 European Designated Sites

- 4.11.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. The Blackwater Estuary Ramsar/ Special Protection Area (SPA) is located 1.58km north-east of the site, the Crouch and Roach Estuaries Ramsar / SPA, Dengie Ramsar / SPA and Foulness Estuaries Ramsar / SPA are located 2.35km south, 13km east and 15.7km south-east respectively. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. To accord with NE's requirements and standard advice a RAMS an Appropriate Assessment under the Habitat Regulations (2017) has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The Essex Coastal RAMS document has been adopted. This document states that the flat rate for each new dwelling has been calculated at £156.76 and this will be secured through the S106 Agreement.
- 4.11.2 In addition, a range of on-site measures is proposed within the Scheme which are considered to adequately mitigate potential likely significant effects from recreational pressure on nearby European sites. These will be secured through a signed legal agreement to mitigate the impact of the development.

4.12 Developer Contributions

- 4.12.1 Along with other key principles, policy S1(11) requires decision makers to: “Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including S106 Agreement and / or Community Infrastructure Levy (CIL) and other funding sources”.
- 4.12.2 The applicant has agreed to Heads of Terms for the S106 including obligations regarding affordable housing, a children’s day nursery, education, health, a RAMS contribution, public open space, highway works and a travel plan (see Section 9 below).

4.13 Other Material Considerations

Heritage

- 4.13.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council to have special regard to the desirability of preserving the setting of listed buildings.
- 4.13.2 The site is not within a Conservation Area but does form part of the setting to several listed buildings. However, there are some designated Grade II listed buildings nearby, the closest being Christ Church 150 m west of the site, slightly further west two attached C17th / C18th century houses ‘Cottage’ and ‘Chestnuts’. Some 300m to the east is the Grade II listed C17th Thatch Cottage and ½ km to the south west is C16th Snoreham Hall Farmhouse. Although not listed, a non-designated heritage asset in the form of a WW2 concrete and brick pillbox appears on the local Historic Environment Record and is located adjacent to Steeple Road in the north of the site. This is proposed to be retained with an area of new public open space adjacent to it.
- 4.13.3 The Heritage Statement provided in support of the application concludes, inter alia, that the proposed development would not be perceptible from the church and that a retained view through to the church from within the site is not required as heritage mitigation, but could have landscape and community benefits. It also concludes that all other designated heritage assets lie at a greater distance from the site and are also surrounded by later development or vegetation such that proposed change within the site would not harm their significance or an appreciation of that significance. The Conservation Officer has confirmed his agreement with this assessment and therefore it is considered that the proposal accords with relevant requirements of LDP policy D3 and Section 16 of the NPPF subject to the condition recommended for an interpretation board on the Pill box.

Archaeology

- 4.13.4 The Heritage Statement provided in support of the proposal concludes that the site has low archaeological potential. However the County archaeologist has advised that archaeological deposits development on site should be preceded by a programme of archaeological investigation which as is recommended can be secured by an appropriate condition.

Ground conditions

- 4.13.5 The application is supported by a Phase 1 Desk Study and Ground Investigation Report (July 2022). This recommends a Phase II ground investigation to determine more accurately the effect of the identified hazards on the proposed development. In

accordance with the Environmental Health Officer's advice this can be dealt with by conditions.

Air Quality

- 4.13.6 The application is supported by an Air Quality Assessment (November 2022) which concludes that dust and exhaust emissions from plant and vehicles during the construction stage have the potential to generate complaints without control measures. In accordance with the Environmental Health Officer's advice this can be addressed by means of a Construction Management Plan required by condition.

Lighting

- 4.13.7 The application is supported by a Lighting Impact Assessment (November 2022). As this is an outline application details including lighting scheme will need to be considered at Reserved Matters stage. However, in accordance with the Environmental Health Officer's advice a condition is recommended requiring a lighting scheme so as to ensure that acceptable details for external illumination including the luminance and spread of light are provided.

Noise

- 4.13.8 The application is supported by a Noise Assessment (November 2022). Although the layout will be determined at reserved matters stage the proposals include provision of a single storey nursery with associated parking and play space and 100m² of office hub space on the northern part of the site close to Steeple Road. The Environmental Health Officer has advised that external noise level are likely to comply with the upper design target of 55db. However to ensure this is the case conditions are required, including for additional noise reports and mitigation as may be necessary and to meet BS4142:2014 of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

Trees

- 4.13.9 The site contains relatively few trees and these are located on its boundaries. The application is supported by an arboricultural assessment, method Statement and Tree Protection Plan. The Council's Tree Consultant has confirmed that most of the trees can be retained and protected and that those to be removed are low quality and can be compensated for with new planting. In accordance with their advice a condition is recommended requiring detailed proposals to take into account the tree constraints. A condition is also recommended for details and specifications of hard and soft landscaping.

5. PLANNING BALANCE

- 5.1** It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies. The LPA must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.2** The key priority within the NPPF, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.

- 5.3** In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm identified (if any) arising from the proposed development.
- 5.4** The main benefits of the proposal are considered to be as follows:
- Social benefits from providing market homes in a variety of sizes and types;
 - Social benefits of providing affordable homes in a variety of sizes and types.
 - Social and economic benefits by encouraging churn of existing housing in the District;
 - Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials;
 - Social and economic benefits of additional custom for services and facilities in Latchingdon;
 - Economic benefits through creating new jobs opportunities in the District;
 - Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.
- 5.5** With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and that the additional units may support local businesses in Latchingdon. Although, there is no guarantee that the construction would be undertaken by local businesses, or use locally sourced materials the inclusion of an office hub and children's nursery would be beneficial in economic terms.
- 5.6** In social terms although the Council can now demonstrate that it has a 5 year housing supply, this can only be maintained by approval of new permissions on suitable sites and the District still has a shortfall of affordable housing. The proposal would provide 160 new homes of which 64 would be affordable on a site that is suitable for residential development as evinced by the conditional support from all the statutory consultees. It would also provide a substantial amount of new public open space of potentially significant recreational value to the existing community.
- 5.7** In environmental terms, the harm would be to the character and appearance of the area. However, this would be limited (subject to relevant details being approved at reserved matters stage, the imposition of conditions and/or relevant obligations being secured through the S106 Agreement) and relatively localised. This harm is not considered to significantly outweigh the benefits of granting planning permission. It is therefore recommended that planning permission should be granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.
- 5.8** For the above reasons, although outside of the defined development boundary for Latchingdon the proposal is still be judged to be 'sustainable development' through the three dimension tests of the NPPF and is recommended for conditional approval accordingly.

6. ANY RELEVANT SITE HISTORY

- 6.1** There is no planning history for the site itself. However, the history for the recently completed 44 dwelling development at Beech Drive allowed on appeal in 2015 (PINS REF: APP/X1545/W/15/3027426) and subsequent reserved matters consent issued

in 2017 under application reference (17/00225/RES) is relevant, as is the history for the development which gains access to its west for 10 dwellings granted in 2014 (PINS REF:APP/X1545/A/14/2214527).

- 6.2** Although now several years old and pre-dating the current Local Plan and NPPF, the comments copied below made by the Inspectors for these two appeals indicate that Latchingdon is a sustainable settlement and in general terms the approximate location of the site is relatively accessible to its facilities.

6.3 Appeal Decision APP/X1545/W/15/3027426

Paragraph 9:

The proposal would be visible when approaching the village from the east along the B1018. Approaching from the north and west within the village it would come into view beyond the existing frontage dwellings on Burnham Road. I appreciate that this piece of land is on the edge of the settlement. However it would be seen against the backdrop of existing development on Heritage Way and Burnham Road. Overall the addition of dwellings in this location would not fundamentally alter the appreciation of Latchingdon as a settlement within the wider rural landscape.

Paragraph 12:

Overall, in practical terms, in order to access a substantial range of facilities to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwellings are likely to be reliant upon the private car for a large proportion of trips. However, Maldon is a rural district and in the context of the district as a whole Latchingdon does have some facilities. Further although it would be outside the defined settlement boundary the proposed development would be adjacent to the existing built up area of the village. As such it would be close to other housing and would not be an isolated development in the countryside. The site is as accessible to services as other dwellings in the settlement boundary. Therefore, whilst the location of the site is not a significant benefit in transport terms it is not wholly without advantages.

6.4 Appeal Decision APP/X1545/A/14/2214527

Paragraph 11:

Although outside the defined development boundary, the proposed development would adjoin the existing built up area of the village and would be close to other housing. It would not result therefore in an isolated development in the countryside. The proposed dwellings would also be within easy reach of village services, which include local shops, a school, public house, restaurant, sports fields and indoor recreational facilities. Bus services link the village to larger settlements in the area. Accordingly, the proposal would be consistent with the Framework principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	<p>Object:</p> <p>The site is in a rural location outside defined settlement boundary of Latchingdon ,is defined in the LDP as a smaller village providing few services and facilities and limited employment opportunities. If developed, the site, by reason of its location, will not provide the quality and have limited access to sustainable and public transportation, services, facilities and employment resulting in an increased need of private vehicle ownership. The village and its limited services and facilities would be unable to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits contrary to policies S1, S2, S7,S8, D1, T1, T2, H4 ,I1 and I2 of the LDP and the NPPF.</p> <p>The proposal, by reason of its quantum of development proposed, layout, density, grain, scale, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to LDP policies S1, S8, D1 and H4 and Section 12 of NPPF.</p> <p>The impact upon both Primary and Secondary School places within the District is not sufficient to either support additional growth or meet the requirement of NPPF Paragraph 95 and hence will be detrimental to Policy S2 and should be refused. The scale and location of the development is likely to reduce the options available to members and</p>	<p>See the following sections of this report above :</p> <p>5.1(principle of development)</p> <p>5.4 (Scale of Development / Infrastructure capacity)</p> <p>5.5 (Layout including Public Open Space and Landscaping)</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>hence should be refused for 'Prematurity'</p> <p>Insufficient GP provision or infrastructure and Primary Healthcare</p> <p>The current 5YHLS is clearly out of date and an assessment by Latchingdon Parish Council clearly suggests that 'Tilt' should not be applied on this basis. Therefore would object to the application being determined in the absence of a new 5YHLS Statement less than 5 years that has not been approved by Full Council.</p>	
Althorne Parish Council	<p>Refuse:</p> <p>97 comments have been filed in relation to this application (including one referencing a petition against with 420 signatures). Most, if not all, are in opposition. Dismissed appeal Ref: APP/X1545/W/22/3304049 - planning application 21/00825 for a residential development in Tolleshunt Knights is relevant to this application.</p> <p>The HELAA does not allocate land for housing or economic development, it does not determine whether land should be allocated or given planning permission for development.</p> <p>The site's narrow linear configuration offers only questionable ribbon development.</p> <p>There is a lack of capacity in virtually every element of service provision in the Dengie, including highways, health and education.</p>	<p>See the following sections of this report above :</p> <p>5.1 (principle of development)</p> <p>5.4 (Scale of Development / Infrastructure capacity)</p>

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	<p>The geophysical survey identified agricultural features, comprising field boundaries and drainage. There is always the possibility of further archaeological remains to be present that are not easily identified by geophysical survey, such as post-built buildings and burials. Given the proposed scale of this development and the fact that archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent.</p>	<p>See paragraph 5.13.4 above and recommended condition 8 below.</p>
Highways Authority	<p>The Highway Authority has visited the site and assessed the submitted information supplied by the applicant and has concluded that in highway terms it is not contrary to national and local highway and transportation policy and current safety criteria.</p> <p>The Transport Assessment (TA) has analysed the impact of the traffic generation, to the satisfaction of the Highway Authority, and is not considered to have a significant or severe impact at this location, or on the wider highway network.</p> <p>Furthermore, the applicant has provided further information to support the application in terms of improving accessibility to other modes of sustainable travel, with pedestrian crossings, cycle access, bus stop improvements etc. and a Residential Travel Plan, all of which will help facilitate accessibility from the site.</p> <p>Consequently, the Highway Authority has concluded that the proposal will not be detrimental to</p>	<p>See section 5.7 (Access, Parking and Highway Safety) and Section 9 (Heads of Terms) and recommended conditions 33- 39 below.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>highway safety, capacity, or efficiency.</p> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions for: A Construction Management Plan, off site highway works to site accesses, a zebra crossing on Steeple Rd, two new bus stops on Burnham Road, an off-site contribution of £450,000 towards improvements to bus services past the site to Maldon, Southminster and Burnham, a travel plan and a travel information pack.</p>	
Natural England	<p>The development site and surrounding land is not considered to be functionally linked to the Blackwater Estuary Ramsar/SPA/SAC/SSSI and Crouch & Roach Estuaries Ramsar/SPA/SAC/SSSI. On this basis agree that the proposed development is unlikely to have a significant effect on the SPAs in-combination with other proposals.</p> <p>Subject to Place Services Ecology being satisfied with the approach to potential recreational impacts associated with the development, Natural England has no further concerns regarding the adoption of the shadow HRA.</p>	<p>See sections 5.11(European Designated Sites) and 5.12(Developer Contributions) above and recommended conditions 9 - 13 below.</p>
Essex County Council Ecology	<p>The site falls within the evidenced recreational Zone of Influence (ZOI) of Blackwater Estuary Ramsar and SPA. Therefore, given the residential element of this development is relevant to the Essex Coast RAMS, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.</p>	<p>See section 5.10 above and recommended conditions 9 – 13 below.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>We are satisfied that there is sufficient ecological information available for determination of this application. Recommend that a copy of the Great Crested Newt District Level Licence should be submitted as a condition of any consent. The mitigation measures identified in the Ecological Impact Assessment should be secured by a condition. This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, reptiles, and nesting birds. Support the proposed reasonable biodiversity enhancements of bat boxes, bird boxes, log piles, hedgehog friendly fencing, woodland planting, wildflower meadow creation, hedgerow planting, which have been recommended by the Ecological Impact Assessment and the Biodiversity Metric 3.0 Calculation Tool. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. Furthermore, to ensure that the proposed biodiversity enhancements managed for the long-term benefit of biodiversity, a Landscape and Ecological Management Plan (LEMP) should be produced and secured by condition.</p> <p>In addition, as it is likely bats could be foraging/commuting within and around the site, if any external lighting is to be proposed, a sensitive lighting scheme should be developed This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.</p>	
Essex County Council Education	Request section 106 agreement to mitigate impact on Primary & Secondary places, libraries & School Transport. If minded to refuse the lack of surplus Primary and secondary places, libraries and Secondary Transport in the area to accommodate the proposed new homes should form	See sections 5.4.3 (Education) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	an additional reason for refusal.	
National Health Service	The development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development. A contribution of £116,600 is required through S106 legal agreement to increase capacity for the benefit of patients of the primary care network. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services operating in the vicinity of the application site and for ambulance service capacity to serve the population generated by the development.	See sections 5.4.4 (Education) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.
Essex County Council Sustainable Drainage Team	Do not object subject to conditions and informatives to require: a detailed surface water drainage scheme, scheme to minimise risk of off-site flooding, and maintenance arrangements for surface water drainage system.	See section 5.9 (Surface and Foul Water Drainage) above and recommended conditions 14 - 19 below.
Anglian Water Services	The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Dwellings located within 15 metres of the pumping station would place them at risk of nuisance. The site layout should take this into account and ensure that no development within 15m of a sewage pumping station if potentially sensitive to noise or other disturbance. Request condition for foul drainage scheme.	See section 5.9 (Surface and Foul Water Drainage) and recommended condition 19 below.
Essex Wildlife Trust	No objection to this application	Noted
Cadent Gas	No objection in principle. There are intermediate and low pressure gas mains and an above ground installation in the area (as shown on map provided). If the application affects a High-Pressure pipeline, it is a statutory requirement to input the details into the HSE's Planning Advice Web App.	The gas infrastructure referred to is well outside the site boundary.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Officer	<p>The Applicant has advised that the scheme will deliver the required 40% Affordable Housing provision and will therefore be Policy compliant (Policy H1). The proposed Affordable dwellings – tenure, property size and location will be agreed at Reserve Matters stage. The Applicant has stated that bungalows will be provided to meet the housing needs of older people.</p> <p>Strategic Housing Services fully supports this Application which is providing the required percentage of Affordable Housing as per Policy H1 of the Local Development Plan/Local Housing Needs Assessment 2021 and these properties will greatly assist in meeting the Housing needs of the district.</p>	See sections 5.3 (Affordable Housing) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.
Environmental Health Officer	<p>A Phase II ground investigation has been recommended to determine more accurately the effect of the identified hazards on the proposed development. Therefore contaminated land conditions must be included in any planning approval.</p> <p>Dust and exhaust emissions from plant and vehicles during the construction stage have the potential to generate complaints without control measures. A condition requiring the submission of a Construction Management Plan to include dust management measures will be required.</p> <p>As the site layout forms part of the reserved matters, the final lighting scheme is yet to be decided.</p> <p>Whilst the final layout will form part of the reserved matters, the illustrative masterplan and supporting information indicate that land to the north of the site is to be reserved for a single storey nursery with associated parking and play space and 100m² of office hub space. Siting the buildings as far away as possible from the dwelling houses and orienting them in such a way to</p>	See paragraph 5.13.5 (Ground Conditions) and 5.13.6 (Air Quality) and recommended conditions 21 – 26 below.

Name of Internal Consultee	Comment	Officer Response
	<p>screen outdoor play areas and car parks will minimise the risk of negative impact on residents. Further details will need to be provided and can be conditioned. Plant and equipment will also need to be considered separately.</p> <p>Based on predicted noise levels any residential development near the northern and southern boundaries is likely to exceed to exceed the guideline values in Table 4 of BS 8233 and suitable ventilation will be necessary. It is concluded that external noise level are likely to comply with the upper design target of 55db. Careful consideration of layout at the reserved matters stage should ensure that guidelines are met.</p> <p>Note that Anglian Water have advised that Latchingdon Water Recycling Centre does not have capacity to treat the flows from the development site and have requested a condition requiring an on-site drainage strategy.</p> <p>In light of the above, no objections subject to the inclusion of conditions for: a construction management plan; site investigation and remediation; unexpected contamination; acoustic assessment; connection to of foul drainage to mains; external plant as part of office hub and nursery; assessment of noise; office hub for office purposes only and restriction on hours of use; details of refuse storage; details of external illumination; and restriction on delivery times.</p>	
Conservation Officer	No Objections to the proposal on heritage grounds, recommend a condition for details of the position, design, and content of the proposed interpretation board, relating to the pillbox and its historical context.	See paragraphs 5.13.1 5.13.- 3 (Heritage) and recommended condition 32 below.

Name of Internal Consultee	Comment	Officer Response
Arboricultural Consultant	Most of the trees, especially the better quality ones can be retained and protected. Those that need to be removed are low quality and can be compensated for with new planting. Suggest detailed design take into account tree constraints and avoids conflict with them as this outline application appears. A robust soft landscaping plan with new tree planting should be considered for any detailed design.	See paragraph 5.13.9 (Trees) recommended condition 3 below.
Strategy Team	No comments received	
Waste Management	No comments received	
Essex County Fire and Rescue	No comments received	
UK Power Networks	No comments received	

7.4 Representations received from Interested Parties

7.4.1 50 letters objecting to the application have been received. The reasons for objection are summarised in the table below:

Objecting Comments	Officer Response
<u>Visual Impact</u> <ul style="list-style-type: none"> Site forms part of the countryside setting of the village Harmful visual impact on local character and landscape including light pollution Not in keeping with the village 	<p>See the following sections of this report above :</p> <p>5.1(Principle of development)</p> <p>5.5 (Layout including Public Open Space and Landscaping)</p>
<u>Over Development</u> <ul style="list-style-type: none"> Over-development would create urban sprawl Cumulative impacts with other development that have already collectively resulted in 170 houses and 50% population increase of village in 5 years from 1241 (2011 census) to 1800 now. 	<p>See section 5.4 (Scale of Development / Infrastructure capacity)</p>
<u>Increased traffic on unsuitable roads</u> <ul style="list-style-type: none"> Increase in traffic congestion and impacts on highway safety, particularly the Lower Burnham Road and Burnham Road, B1018 is very narrow, unlit and dangerous. Latchingdon is the thoroughfare to the Dengie so any minor hold up causes extensive tailbacks 	<p>See section 5.7 (Access, Parking and Highway Safety) and Section 9 (Heads of Terms) and recommended conditions 32- 38 below.</p>

<ul style="list-style-type: none"> • Many Roads have parts without pavements meaning pedestrians have to walk in the road • No cycle paths or routes in the village • Existing streets in Latchingdon are already in poor condition and would be made worse 	
<p><u>Latchingdon is not a sustainable location for new housing</u></p> <ul style="list-style-type: none"> • Public transport services are too limited • Future residents would be car dependent because site is disconnected from everyday services only be accessible by unsustainable car journeys 	See section 5.1 (Principle of Development)
<p><u>Harm to Wildlife and Ecology</u></p> <ul style="list-style-type: none"> • Adverse impact on ecology - biodiversity calculations are inaccurate • Loss of agricultural land 	See section 5.10 above and recommended conditions 9 - 13 below.
<p><u>Inadequate Infrastructure</u></p> <ul style="list-style-type: none"> • The village no medical or dental facilities and GP services at Burnham, Mayland and Southminster are over-stretched • Existing infrastructure (drainage and other services) already failing and will not be able to cope • Proposed new pumping station will result in effluent smells • Limited existing recreational facilities 	See section 5.4 (Scale of Development / Infrastructure capacity)
<p><u>Schools at Capacity</u></p> <ul style="list-style-type: none"> • Not enough capacity at village primary school • No Secondary School and not enough secondary school places on the Dengie 	See sections 5.4.3 (Education) and 5.14 (Developer Contributions) above and Section 9 (Heads of Terms) below.
<p><u>Increased Flooding and Inadequate Drainage</u></p> <ul style="list-style-type: none"> • Increased risk of homes flooding, site is a clay based • Within eight years Steeple Road will be subject to periodic flooding with no plan to remediate 	See section 5.9 (Surface and Foul Water Drainage) above and recommended conditions 14 - 19 below.
<p><u>Impact on residential amenities</u></p> <ul style="list-style-type: none"> • Increase in noise pollution and disturbance. • Increase in air pollution • Loss of privacy and daylight • Increase in anti-social behaviour and crime. 	See section 5.8 (Residential Amenity) above.

<ul style="list-style-type: none"> • Development is well outside of the defined local development boundary • No market for proposed houses / not needed • There is no need for the housing since the Council can demonstrate a 5 year housing supply • Proposal not arrived at through a plan-led strategy • The HELAA should not be given any weight. • No provision for tackling climate emergency such ground or air source heating systems, solar panels, rainwater storage or recycling systems. 	<p>See section 6 (Planning Balance) above.</p>
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8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

General Obligations

- Provide and retain in perpetuity private community open spaces and strategic landscaping in accordance with agreed phasing and details.
- Create / nominate a Management Company with responsibility for future management and maintenance of all private open spaces, non-adopted footways, related lighting, street furniture, signage etc and all private landscaping.
- Identify the extent of, provide, and landscape the public open spaces to an agreed specification: to include picnic benches, seating, dog waste and litter bins, information boards, and children's play spaces, before occupation of the 130th dwelling or in accordance with an agreed phasing plan.
- Offer the public open space and children's play space/s to the District Council for adoption.
- In the event that the LPA does not intend to adopt the public open space, to transfer it to the Management Company, maintain it to a specification to be agreed, and retain it for use as public open space in perpetuity.

Affordable Housing Obligations

- The total number of affordable housing units shall be not less than 40% of the total number of dwellings approved by the Planning Permission.
- Affordable housing to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location and design standards.
- Affordable housing tenure split shall be 75% affordable rent / 25% intermediate housing or as close as possible thereto unless otherwise agreed in an AHS.
- All affordable housing to be constructed and transferred to Registered Provider/s prior to occupation of the 80th market dwelling.

Health Care Contributions

- To make developer contributions in the circumstances set out in the NHS consultation response.

Highways Obligations

- To agree and implement a scheme of works to footpath and public transport infrastructure within the vicinity of the site.
- To pay the agreed developer contribution for off-site highways improvements.
- To submit, agree and implement a Travel Plan at Reserved Matters stage.
- Submit, agree and implement a Residential Travel Plan.

Ecology

- To provide a developer contribution in accordance with the Council's adopted RAMS scheme.

Education

- Provide developer contributions for education, including for secondary school transport, in the circumstances set out in the Essex County Council Education Department consultation response.
- Provision of Children's Day Nursery.

Employment

- Provision of 100sqm Office Hub/

PROPOSED CONDITIONS

Reserved Matters

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

Timing

2. As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

Landscaping

3. The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted

to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter, unless otherwise agreed with the Local Planning Authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Car Parking

4. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Policies T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).

Cycle Parking

5. A scheme in accordance with Maldon District Council's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.
REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

Building heights

6. The height of the buildings submitted as part of the Reserved Matters shall not be in excess of 9m.

REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Dwelling Mix

7. The dwelling mix for the development hereby approved shall accord with the housing mix requirement set out within the Maldon District Local Housing Needs Assessment 2021.

REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.

Archaeology

8. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan 2014 – 2029.

Biodiversity

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (RamSanderson, July 2022) should as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

10. Any works which will impact the breeding / resting place of Great Crested Newts, shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or
 - c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

- d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species).

- 11. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species).

- 12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

13. 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, 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 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 minimise light pollution in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

Drainage

14. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:
- a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - b) Limiting discharge rates to 16.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - e) Final modelling and calculations for all areas of the drainage system.
 - f) The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - g) Detailed engineering drawings of each component of the drainage scheme.
 - h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon District Local Development Plan 2014 - 2029.

15. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

16. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

17. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

18. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan 2014 - 2029 .

19. Prior to the first occupation of any dwelling or building on the site the foul drainage for the development must be connected to mains drainage.

REASON: To ensure satisfactory drainage of the site minimise flood and pollution risk in accordance with Policies D2 and D5 of the Maldon District Approved Local Development Plan 2014 - 2029

Construction Management Plan

20. Prior to the commencement of the development the applicant shall submit in writing a Construction Management Plan to the Local Planning Authority for approval.

The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

1. Safe access into the site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. Wheel and underbody washing facilities.

The construction management plan must also consider the following requirements: The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

6. no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- g) no dust emissions should leave the boundary of the site;
- h) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- i) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to comply with Policy D2 of the Maldon District Local Development Plan 2014 - 2029.

Contamination

21. No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a) Human health,
 - b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) Adjoining land, Groundwaters and surface waters,
 - d) Ecological systems
 - e) Archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

22. Where identified as necessary in accordance with the requirements of condition 20. no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the local planning authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

The remediation works shall be carried out prior to commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority within 28 days. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

23. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
- REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy D2 of the Maldon District Local Development Plan 2014 - 2029.

Noise

24. Prior to the agreement of reserved matters relating to design and layout of residential dwellings, an acoustic assessment shall be submitted that details the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, noise levels above the guideline values in Table 4 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings, in habitable rooms and 55dB LAeq,16 hours for external amenity spaces. Details of mitigation including but not limited to enhanced glazing and alternative ventilation strategies shall be submitted where assessment indicates that the guideline levels cannot be met.
- REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Development Plan 2014 - 2029.

25. Where any external plant is proposed as part of the office hub or nursery, it shall not have combined emissions of noise that exceed a rated level (determined in accordance with BS4142:2014 methodology) of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling. Where mitigation is required to meet the noise criteria above, it must be installed prior to first occupancy of the dwelling and the applicant must also provide the Planning Authority with a validation report from a competent person that confirms that the noise impact arising from the plant. Where it does not demonstrate this, additional mitigation measures shall be proposed, agreed with the Planning Authority and implemented prior to first occupancy. Any mitigation installed must be retained and maintained thereafter.

All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029.

26. Prior to the agreement of reserved matters relating to design and layout, an assessment of the noise generated by operation of the proposed nursery and its impact on the occupiers of residential dwellings shall be submitted and approved by the Local Planning Authority.

All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.

REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029.

Office Hub

27. The office hub shall only be used for office purposes as defined within Class E(g)(i) of the Schedule to the Town & Country Planning Use Classes (Amendment) (England) Regulations 2020 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose. The uses hereby permitted in the office hub shall only be undertaken between 07:00 hours and 19:00 hours Monday to Friday and not at any time on Saturdays, Sundays and Public Holidays.
REASON: In order to ensure the appropriate use of the site in accordance with policy E7 of the Maldon District Local Plan 2014 – 2029.

Waste Management

28. A Waste Management Plan shall be submitted to as part of the reserved matters application(s). The Plan shall include details of refuse storage and the development shall be carried out in accordance with the agreed Waste Management Plan.
REASON: To ensure adequate refuse facilities are available in accordance with policy D2 of the Maldon District Local Plan 2014 – 2029.

External Lighting

29. Before the development hereby permitted commences, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be

no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To avoid adverse impacts on health and quality of life from light and in accordance with Policy D1 of the Maldon District Local Development Plan 2014 – 2029.

Deliveries

30. Deliveries to and collections from the site shall only be undertaken between 09:00 hours and 18:00 hours on weekdays.

REASON: To avoid adverse impacts on health and quality of life in accordance with Policy D1 of the Maldon District Local Development Plan 2014 – 2029.

Trees

31. A detailed arboricultural report taking into account Ramm Sanderson's Arboricultural Impact Assessment, Method Statement and Tree Protection Plan referenced RSE_5821_R1_V3_ARB shall be submitted as part of the Reserved Matters application. The detailed arboricultural report shall include an explanation as to how the layout of the development has been designed to limit the impact on the existing vegetation features found on site.

REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Local Development Plan 2014.

Broadband

32. A strategy to facilitate superfast broadband for future occupants of the residential buildings shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall seek to ensure that upon occupation of a dwelling ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure.

The development of the site shall be carried out in accordance with the approved strategy and retained in perpetuity.

REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Maldon District Local Development Plan and the NPPF and PPG.

Conservation

33. Prior first occupation of any building on the site details of the position, design, and content of the proposed interpretation board, relating to the pillbox and its historical context shall be provided and approved in writing by the Local Planning Authority. The interpretation board shall thereafter be retained and maintained in accordance with the approved details.

REASON: To enhance an existing heritage asset in accordance with Policy D3 of the Maldon District Local Development Plan 2014 – 2029.

Highways

34. Prior to the first occupation of the northern parcel of development the access arrangements and off-site highway works, as shown in principle on DTA drawing no. 24012-02-2, shall be fully implemented and retained as such for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 97m clear to ground level to the west;
- Provision of minimum visibility splays of 2.4m x 53m clear to ground level to the east;
- Provision of appropriate forward visibility splay clear to ground level;
- A bellmouth access with a 2m wide footway to the western side;
- Provision for a 3.5m shared use ped/cycleway entrance into the site from Steeple Road;
- Provision of a pair dropped kerb crossing points, with tactile paving, across Lawlinge Road.

Extend the 30mph speed limit to the north of the site entrance, with appropriate signing and lining as necessary, and gateway features.

REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.

35. Prior to the first occupation of the development the developer shall implement a zebra crossing across Steeple Road, as shown in principle on DTA drawing no.24012-02, to include all associated works, such as: resurfacing, lighting, tactile paving and signing and lining etc. (Please be aware that this will require a commuted sum to cover the cost of future maintenance for a minimum period of 15 years following construction, secured through the Highway Agreement).

REASON: In the interests of reducing the need to travel to the site by car and promoting sustainable development and transport for the development and the locality.

36. Prior to the first occupation of the southern parcel of the development the access arrangements and off-site highway works, as shown in principle on DTA drawing no. 24012-02-3, shall be fully implemented, and retained as such for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 51m clear to ground level to the west
- Provision of minimum visibility splays of 2.4m x 143m clear to ground level to the east
- A bellmouth access with a 2m wide footway to the western side
- Provision for a 2m wide footway from the site to the junction with Beech Drive, with associated carriageway re-aligning as necessary
- Extend the 30mph speed limit to the east of the site entrance, with appropriate signing and lining as necessary, and gateway features.

REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.

37. Prior to the first occupation of the southern parcel of the development the applicant shall submit a scheme for approval, in writing by the Local Planning Authority, for the provision of two new bus stops on Burnham

Road, located to the east of the proposed vehicular access and provided with a suitable 2m footway, either along the site frontage or internally within the site. To include the following to ECC specification:

- a) Provision of raised kerbs, pole and flag with timetable on the northern side of Burnham Road, for eastbound buses, with appropriate hardstanding as necessary
- b) Provision of shelter, raised kerbs, pole and flag with timetable on the southern side of Burnham Road, for westbound buses, with appropriate footway and hardstanding as necessary.
- c) Provision of a pair of dropped kerb crossing points, with tactile paving, across Burnham Road.

The approved scheme shall be fully implemented prior to the first occupation of the southern parcel.

REASON: In the interests of reducing the need to travel to the site by car and promoting sustainable development and transport for the development and the locality.

38. Provision of a contribution of up to £450,000 (four hundred and fifty-thousand pounds index linked), payable to Essex County Council, for improvements to bus services past the site to Maldon, Southminster and Burnham-on-Crouch.
REASON: To ensure deliverability of the wider sustainability needs within and around Burnham, by reducing the need to travel by car and promoting sustainable development and transport.

39. Prior to the first occupation of the proposed development, the Developer shall submit a residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,596 (one thousand five hundred ninety-six pounds index linked) to be paid to Essex County Council.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

40. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

INFORMATIVES:

Essex County Council (ECC) Sustainable Drainage

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. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
2. 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. 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.

3. Failure to provide the required drainage information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
4. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Anglian Water Services

5. A Feasible drainage strategy including a feasible mitigation strategy (if required)must be agreed with Anglian Water detailing the discharge solution including development size, proposed discharge rate (Should a pumped connection be required Anglian Water Services have minimum pumped discharge rate of 3.8l/s). No connections can be made into a public rising main. Notification of intention to connect to the public sewer is required under S106 of the Water Industry Act (More information can be found on Anglian Water's website: <http://www.anglianwater.co.uk/developers/pre-development.aspx>

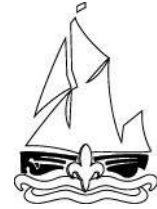
Cadent Gas

6. If the development affects a High-Pressure pipeline, it is a statutory requirement that the developer input the details into the HSE's Planning Advice Web App. For further details, visit:
www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

Highways

7. It is expected that there will be no vehicular connection between the northern and southern site, as this should be for cycling and walking only.
8. There shall be no discharge of surface water onto the Highway from the site.
9. 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 contact the Development Management Team at Essex County Council by email at development.management@essexhighways.oxg.
10. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, 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.

11. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
DISTRICT PLANNING COMMITTEE
14 JUNE 2023

Application Number	22/01256/RESM
Location	Land South Of Wycke Hill And Limebrook Way (Western) Maldon Essex
Proposal	Reserved matters application for the approval of appearance, landscaping, layout and scale of Phase 3 of the Western Parcel (comprising 78 residential dwellings (Use Class C3), new public open space and car parking) of approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))
Applicant	Crest Nicholson (Eastern)
Agent	Mr J Daniels – Savills
Target Decision Date	21.06.2023
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

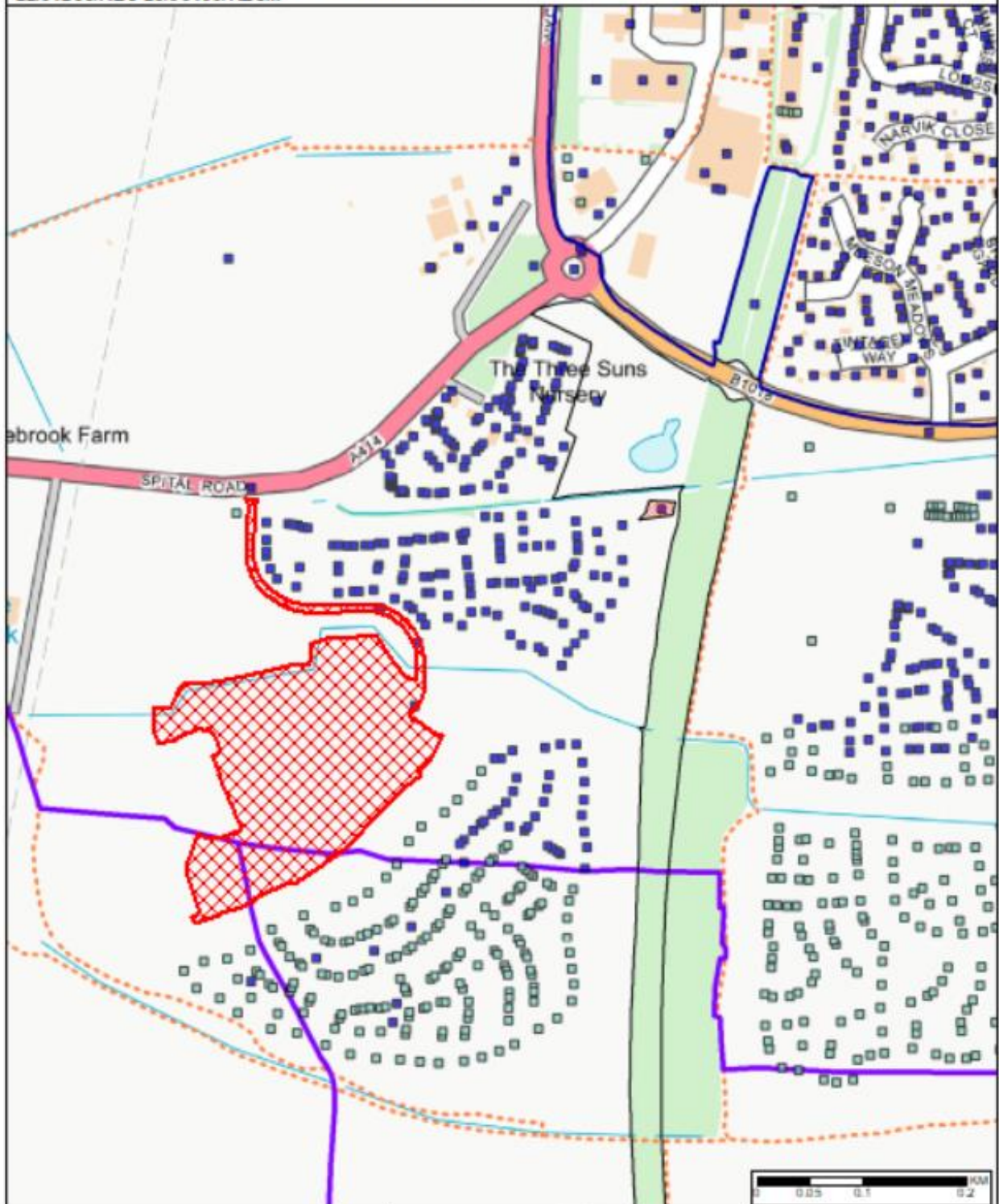
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

land south of Limebrook Way and Wycke Hill, Maldon
22/01256/RES 23/00190/RESM



 <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 Stationery 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:	1:5,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	District Planning Committee
	Date:	25/05/2023
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference 14/01103/OUT) in December 2016, following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the Site consists of two vehicular accesses off the A414 on the western side, an access (roundabout) off Limebrook Way and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 3.1.2 The LDP sets out the housing and infrastructure requirements for strategic sites at Policies S2 Strategic Growth; S3 Place Shaping and S4 Maldon and Heybridge Strategic Growth. The western parcel of Site S2(a) is within the South Maldon Garden Suburb strategic allocation delivering 394 dwellings and infrastructure; to be developed by Crest Nicholson. The current application relates to Phase 2 of the Western Parcel. Phase 1 of the Western Parcel is currently under construction by Crest Nicholson for 106 dwellings. Taylor Wimpey is currently building-out the Eastern Parcel of Site S2(a) in the South Maldon Garden Suburb delivering 606 dwellings and infrastructure in two phases.
- 3.1.3 Policy S3 Place Shaping required a Masterplan to be prepared collaboratively with developers, land promoters and infrastructure providers. The South Maldon Garden Suburb Strategic Masterplan Framework was endorsed by the Council in 2014 and adopted as a Supplementary Planning Document (SPD) in March 2018. The Masterplan sets out the strategic framework for primary streets, public open space, walking and cycling routes, SuDs management and bus routes set around residential land parcels.
- 3.1.4 To ensure the South Maldon Garden Suburb is developed in a consistent manner across all development sites, Strategic Design Codes (endorsed March 2016) were prepared by the Council based on submitted outline applications and approved Design Parameter Plans for:
- Land Use;
 - Access and Movement;
 - Green and Blue Infrastructure;
 - Density;
 - Building Heights.
- 3.1.5 The Strategic Design Codes are summarised in the Structuring Plan in the South Maldon Garden Suburb Strategic Design Codes document.

- 3.1.6 The original outline planning permission was subsequently varied most recently by permission reference 22/00393/VARM which was approved on 12 August 2022. The current application site forms Phase 3 of the Western Parcel which is located roughly centrally within the Western Parcel, immediately to the south of the employment element of the outline planning permission with existing, new or future residential development to the east, south and west. The northern section of the site incorporates the Lime Brook. Public Right of Way 253 crosses the site (the formal process of diverting this footpath has been completed – reference 20/05071/DET).
- 3.1.7 An application for approval of reserved matters of Phase 1 of the Eastern Parcel (for 200 dwellings) was granted in 2018 (reference 18/00531/RES) and approval of reserved matters for Phase 2 of the Eastern Parcel (reference 19/00411/RES) was granted in 2019 for 406 dwellings. Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Western and Eastern Parcels have also already been approved (references 19/01093/FUL and 18/00494/FUL, respectively). The application for approval of reserved matters of Phase 1 of the Western Parcel was granted in 2020 (reference 19/01097/RES) and that for Phase 2 was granted in January 2022 (reference 21/00889/RESM).
- 3.1.8 The Eastern and Western Parcels are separated by a disused railway line known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction.
- 3.1.9 A watercourse, known as the Lime Brook, runs west-east adjacent to the northern boundary of the Western Parcel. A second watercourse, the 'Lime Brook South Arm', flows through the northern part of the Western Parcel from the western boundary to the eastern boundary where it is culverted through the former railway embankment.
- 3.1.10 The topographical survey data indicates that the Western Parcel slopes from north-west to south-east with elevations in the northwest corner on Maldon Road in the order of 16.5m Above Ordnance Datum (AOD) falling to approximately 10.0m AOD in the south-east corner of the site. This represents a slope of approximately 1 in 130.
- 3.1.11 Two new access points are to be created off Maldon Road towards the north-western corner of the Western Parcel which were approved as part of the outline planning permission (original reference 14/01103/OUT). These access points would provide access to the Phase 3 development the subject of this current application, and one of which would be via Phases 1 and 2.
- 3.1.12 The current application site is located roughly centrally within the Western Parcel with other residential elements of this Parcel to the south, east and west. The land to the west has been excluded from this final phase of the development permitted by the original outline planning permission and could not be developed for residential purposes under the existing outline planning permission as this would exceed the 1,000 dwellings permitted by that planning permission. A greenway forms the northern section of the site along the Lime Brook corridor beyond which is the employment land which formed part of the outline planning permission. Another greenway is located along but beyond the southern site boundary.
- 3.1.13 The current application seeks approval of those matters which were reserved as part of the outline planning permission referred to above, namely scale, layout, appearance and landscaping, for Phase 3 of the Western Parcel which covers an area of approximately 3.5ha. The site would accommodate 78 dwellings along with new public open space and parking. 24 (30.8%) of the residential units proposed would be affordable housing. The public open space would include elements of the

SuDS including a swale and an attenuation basin within the northern section of the site adjacent to the Lime Brook.

3.1.14 The buildings would be a mix of single and two storey buildings in a mainly linear form of layout fronting roads or greenways. External materials would consist of facing bricks with elements of weatherboarding and render and roof tiles. Details of the materials proposed are included in the application.

3.1.15 A total of 154 car parking spaces are proposed including garages and would include 22 parking spaces for visitors spread across the site. There would be two bus stops through Phase 3 and all residents would be within 400m (5 minute walk) of a bus stop. Secure cycle storage for all properties would be provided within either back gardens, the garages proposed or integral cycle stores.

3.1.16 The Parameter Plans identify Phase 3 as medium density (30-35dph (density per hectare)). It is stated that the current proposal has a density of 33.9dph. The following Design Codes are relevant to the proposal: Primary Street; Green Edge Streets; Green Space Streets.

3.1.17 The housing mix proposed is as follows:

Market Housing

Beds	Type	Number	% Phase 3
1	Apartment	2	3.7%
2	House	14	25.9%
3	House	38	70.4%
Total		54	100%

Affordable Housing

Beds	Type	Phase 1 (approved) Number	Phase 2 (approved) Number	Phase 3 (proposed) Number	% Phase 3	Total
1	Apartment	10	26			36 30.51%
2	Apartment	2	8			10 8.5%
2	House	16	22			38 32.2%
3	House	4	6			10 8.5%
1	Elderly flats	0	0	6	25%	6 5.1%
1	Elderly bungalows	0	0	6	25%	6 5.1%
2	Elderly flats	0	0	6	25%	6 5.1%
2	Elderly bungalows	0	0	6	25%	6 5.1%
Total		32	62	24	100%	118 100%

3.1.18 The tenure split for the affordable housing element of Phase 3 would need to be 70:30 to comply with the S106 Agreement.

3.1.19 The application is supported by the following documents:

- Planning Statement;
- Design Statement;
- Renewable Energy and Sustainability Strategy December 2022 rev.A (as required by condition 80 of the outline planning permission);
- Air Quality Mitigation Statement May 2023 (as required by condition 71 of the outline planning permission);
- Noise Assessment December 2022 (as required by condition 72 of the outline planning permission);
- Ecological Conservation Management Plan and Statement; Ecological Input for Conservation Environmental Management Plan - December 2022; Ecological enhancement plan Figure 3 (March 2023) (as required by condition 70 of the outline planning permission);
- Drainage Strategy Report October 2022;
- Landscape Management and Mitigation Plan rev.B December 2022;
- Flood Risk Assessment (March 2023).

3.1.20 There are a number of conditions attached to the outline planning permission (reference 22/00393/VARM) which the current reserved matters application would need to comply with:

- Condition 6 requires the reserved matters to be carried out substantially in accordance with the Design and Access Statement and in accordance with the principles of the Design Parameter Plans relating to Land Use, Building Height, Residential Density, Green Infrastructure and Movement and Access.
- Condition 8 requires the reserved matters applications to accord with the Design Codes which take full account of the Maldon Garden Suburb Strategic Masterplan Framework – refer to section 5.3 below.
- Condition 19 requires any reserved matters application detailing the layout of the development to include details of the bus stop infrastructure – two bus stops are proposed as part of Phase 3.
- Condition 23 requires any reserved matters application detailing the layout of the development to include a scheme to show the provision of a network of off carriageway pedestrian and cycle routes linking all areas within the development – these details are to be submitted as part of the current application.
- Condition 26 sets out the private market housing mix – the proposed mix has been submitted.
- Condition 27 requires any reserved matters application detailing the layout of the development to include a layout plan showing the distribution of market and affordable housing, including a schedule of dwelling size (by number of bedrooms) – these details have been submitted.
- Condition 44 requires the submission of details of soft and hard landscaping with any reserved matters application – these have been submitted.
- Condition 56 requires samples or details of external materials to be submitted prior to or concurrently with reserved matters application – a material palette for the development and External Materials Plan have been submitted.
- Condition 57 requires submission of siting, height, design and materials of the treatment of all boundaries with any reserved matters application – these details have been submitted.

- Condition 58 requires the submission of existing and proposed site levels, including finished floor levels, with any reserved matters application – these details have been submitted.
- Condition 59 requires any reserved matters application to be designed to accord with Essex Design Guide (1997 version) for minimum building to building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings – this matter is discussed below (Section 5.5).
- Condition 60 requires details of hydraulic flood modelling taking into account climate change to be submitted with any reserved matters application – a hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/1097/RES).
- Condition 62 requires an up-to-date Flood Risk Assessment to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted.
- Conditions 63 and 64 – surface water and foul drainage – a Drainage Strategy Report has been submitted but details were approved as part of application reference 19/01093/FUL.
- Condition 65 requires vehicle parking details with any reserved matters application to accord with adopted vehicle parking standards (including the provision of 5% for visitors), the Design Codes and the Design and Access Statement – this matter is discussed below (Section 5.6).
- Condition 66 requires details of cycle parking with any reserved matters application to accord with adopted parking standards and the Design Codes – this matter is discussed below (Section 5.6).
- Condition 70 requires any reserved matters application to be accompanied by an Ecological Conservation Management Plan Statement which demonstrates how it accords with the aims and objectives of the approved Ecological Conservation Management Plan – this document has been submitted.
- Condition 71 requires the layout of any reserved matters application to take into account measures aimed at mitigating or offsetting the impacts on local air quality. An Air Quality Mitigation Statement has been submitted.
- Condition 72 requires any reserved matters application to include a noise assessment detailing the noise environment across the site, in relation to BS8233:2014, and mitigation measures where relevant. A Noise Assessment has been submitted.
- Condition 78 requires that any reserved matters application for layout includes details of a lighting strategy. A lighting strategy is included within the drawings submitted.
- Condition 80 requires that any reserved matters application includes a renewable energy statement which demonstrates that the total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. A Renewable Energy and Sustainability Strategy has been submitted.
- Condition 82 requires any reserved matters application to include details of temporary and permanent recycling facilities in accordance with the Design Codes and Design and Access Statement. A Refuse Strategy has been submitted.

3.1.21 The Section 106 (S106) Agreement associated with the outline planning permission (original reference OUT/MAL/14/01103) secured the following:

- Highway and public transport obligations;
- Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units);
- Education (provision of land for and a financial contribution to Essex County Council);
- Healthcare financial contribution;
- Provision of an allotment site;
- Financial contribution for youth facilities;
- A local management organisation to manage and administer the green infrastructure provided;
- Children's play areas.

3.1.22 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the above requirements.

3.2 Conclusion

3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (most recently granted under reference 22/00393/VARM), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing.

3.2.2 The current application is for the final phase of residential development permitted as part of the original planning permission (a maximum of 1,000 dwellings) and does not include all of the land covered by the existing outline planning permission. It should be noted therefore that additional development is likely to come forward on this remaining land, which is part of the original outline permission site, and any such development would be considered on its own merits. However, having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 3, in the context of the Strategic Masterplan Framework, the Design Codes and the outline planning permission which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, would be provided. The details of the recreational facilities proposed would be satisfactory.

3.2.3 Based on the above, it is recommended that the application is approved.

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
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D4 - Renewable and Low Carbon Energy Generation
- Policy D5 - Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

- Car Parking Standards
- Essex Design Guide (where it cross references the Maldon District Design Guide (MDDG) and the garden suburb principles set out in the adopted Masterplan SPD and endorsed Strategic Design Codes)
- Maldon District Design Guide (MDDG) (December 2017)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are: the principle of the development and the housing mix, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of existing residential properties, the quality of life for the occupiers of the proposed dwellings, highways / access / parking, flood risk, nature conservation, and the acceptability of the details of the public open space proposed.

5.2 Principle of Development and Housing Mix

- 5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.2 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 22/00393/VARM), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing. Therefore, no objection is raised to the principle of the development proposed.
- 5.2.3 Condition 26 of the outline planning permission (reference 18/00071/FUL) requires the private market housing mix to be as follows:

Beds	Type	Percentage	Percentage for Phase 3 proposed
1	Flats	Minimum 3.4%	3.7%
2	Houses, bungalows, flats	Maximum 26.6%	25.9%
3	Houses	No less than 35%	70.4%
4+	Houses	No more than 35%	0%

- 5.2.4 The market housing mix proposed and that approved as part of Phases 1 and 2 is set out below:

Beds	Type	Phase 1 and 2 (approved)	Phase 3 (proposed)	Total
		Number	Number	
1	Apartment	8	2	10 3.6%
2	House	23	14	37 13.4%
3	House	95	38	133 48.2%
4	House	68		68 24.6%
5	House	28		28 10.1%
Total		222	54	276 100%

- 5.2.5 The proposed market housing mix would not comply with the Local Housing Needs Assessment (LHNA) (May 2021). However, no objection is raised to the proposed market housing mix as, across the Western Parcel as a whole, it will only need to comply with the requirements of the outline planning permission which was granted when the Council was unable to demonstrate a Five-Year Housing Land Supply (5YHLS), before the adoption of the LDP and before the LHNA was published in May 2021. The housing mix has been accepted at outline application stage and so is not something that can be revisited through this reserved matters application.

- 5.2.6 The Section 106 Agreement requires the following affordable housing provision:

Unit type	Proportion of total affordable housing units	Proportion proposed for Phase 3 – 24 in total
1 bed flats	32% +/- 2.5%	0%
2 bed flats	8% +/- 0.5%	0%
2 bed houses	32% +/- 2.5%	0%
3 bed houses	8% +/- 0.5%	0%
1 bed elderly flats	5%	5%
1 bed elderly bungalows	5%	5%
2 bed elderly flats	5%	5%
2 bed elderly bungalows	5%	5%

- 5.2.6.1 The tenure split is also required at 70:30 affordable rent:shared ownership.

- 5.2.7 With respect to the affordable housing proposed and that approved as part of Phases 1 and 2, the housing mix would be as follows:

Beds	Type	Phase 1 (approved)	Phase 2 (approved)	Phase 3 (proposed)	Total
		Number	Number	Number	
1	Apartment	10	26		36 30.5%
2	Apartment	2	8		10 8.5%
2	House	16	22		38 32.2%

Beds	Type	Phase 1 (approved)	Phase 2 (approved)	Phase 3 (proposed)	Total
		Number	Number	Number	
3	House	4	6		10 8.5%
1	Elderly flats	0	0	6	6 5.1%
1	Elderly bungalows	0	0	6	6 5.1%
2	Elderly flats	0	0	6	6 5.1%
2	Elderly bungalows	0	0	6	6 5.1%
Total		32	62	24	118 100%

- 5.2.8 The tenure split of Phase 2 was 71:29 (44:18 units) affordable rented:shared ownership. Phase 1 was 70:30 (22:10). The tenure split as part of Phase 3 would need to be 17 affordable rented units and 7 shared ownership to give overall ratio of 70:30 for the Western Parcel as a whole.
- 5.2.9 The overall housing mix across all of the phases of residential development within the Western Parcel complies with the Section 106 Agreement and the Senior Specialist Co-ordinator: Housing has confirmed that they have no objection to the affordable housing mix proposed.
- 5.2.10 Strategic Housing Services note that the two-bedroom affordable rented flats in this Phase do not meet minimum sizes recommended in the National Described Space Standards (NDSS) for four-person units and so will need to be advertised as 2-bed 3 person units. However, there is no requirement as part of the outline planning permission for the affordable units to comply with NDSS as the Section 106 Agreement predates the Council's Affordable Housing and Viability SPD.
- 5.2.11 Based on the above, it is considered that the principle of the development is acceptable, and no objection is raised to the housing mix proposed.

5.3 Design and Impact on the Character of the Area

- 5.3.1 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.
- 5.3.2 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 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”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017) and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.
- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 5.3.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs 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 garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.
- 5.3.7 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission: 'Design Parameter Plan – Land Use', 'Building Height', 'Residential Density', 'Green Infrastructure' and 'Movement and Access'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.
- 5.3.8 The application is supported by a Planning Statement, a Design Statement, Renewable Energy and Sustainability Strategy, Air Quality Mitigation Strategy, Noise Assessment, Ecological Conservation Management Plan and Statement; Ecological Input for Conservation Environmental Management Plan, Drainage Strategy Report October 2022, Landscape Management and Maintenance Plan and hard and soft landscape details. A Flood Risk Assessment and lighting strategy has also been submitted.
- 5.3.9 The current application site essentially forms the majority of the Woodland View character area as identified in the Masterplan. The following Design Codes relate to

the development currently proposed: Primary Street (PS01 PS03) Green Edge Streets (GE01) Green Space Streets (GS01 GS02 GS03) and Built Edge Streets (BS06 BS07).

- 5.3.10 In terms of density, the 'Residential Density Parameter Plan', approved as part of the outline planning permission, identifies the application site as being an area of medium density (30-35dph). The net density for Phase 3 is stated as net density of 33.9dph. This is within the densities set out in the 'Parameter Plan'. It is also important to note that granting permission for the development proposed would not increase the total number of dwellings permitted within the development as a whole which is limited to a maximum of 1000 dwellings by the outline planning permission (14/01103/OUT) so this Phase of the Western Parcel could only deliver a maximum of 78 residential units under the existing planning permission.
- 5.3.11 The details of the layout, scale, appearance and landscaping which have been submitted have been developed as part of a pre-application process.
- 5.3.12 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance.
- 5.3.13 The dwellings would consist of a mixture of buildings, all two or two and half storeys in height, and a mixture of around 19 different house-types across the site, all with pitched roofs and using traditional external materials. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual cues such as pitched roofs, gabled projections and chimneys and a cohesive mix of external materials. It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. It is considered that the character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site and consistent in relation to the schemes approved for previous phases within both the Eastern and Western Parcels.
- 5.3.14 Affordable housing is located roughly centrally within the site. Whilst the affordable housing would be a single group within the site, the layout is considered to be acceptable due to the limited number of units, their central location and as they respond to the type of affordable housing needed. Occupiers of these units would have easy access to public open space and the services and facilities to be provided within the SMGS and wider area. It is considered that the design of these units satisfies the MDDG requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance 'to encourage social inclusion and community cohesion'.
- 5.3.15 Comments on the proposal from the Strategy Theme Lead – Place and the advice of the Tree Consultant on the landscaping details submitted, are awaited.
- 5.3.16 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 3, in the context of the Strategic Masterplan Framework, the Design Codes and the approved Parameter Plans which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb would be provided. There is a variety in materials palette, architectural features and articulation / brick detailing to each unit type. The hard landscape materials palette is complimentary to the elevation materials palette and the means of enclosure is appropriate. No objection is raised to the external

materials for the buildings proposed, which are considered to be appropriate for the development proposed and in-keeping with those approved as part of Phases 1 and 2.

- 5.3.17 In the context of the existing outline planning permission and allocation of the site for development, it is considered that the development proposed would not have an adverse visual impact and, therefore, comply with Policy D1 of the LDP, the adopted Masterplan, the MDDG, the South Maldon Garden Suburb Design Code and the NPPF.

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 application site abuts Phases 1 and 2 of the Western Parcel along its eastern and southern boundaries which are in the process of being built-out, some of which are now occupied.
- 5.4.3 The proposed dwellings would be a maximum of two storeys in height and positioned to create a distance of a minimum of 30m from any of the dwellings approved as part of Phases 1 and 2. As a result of this separation distance, along with the residential nature of the development proposed, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of Phases 1 or 2 by reason of overlooking, loss of outlook, visual impact, daylight and sunlight. Due to the residential nature of the development proposed, the proposal would not give rise to any issues in relation to smell, light or pollution. There is the potential for noise and disturbance etc. to adversely affect existing residents within the vicinity of the site during the construction period, but this impact would be minimised through the approved Construction Code of Conduct Method Statement as required by condition 81 of the outline planning permission (reference 19/05165/DET). In any event, the construction works would be temporary.
- 5.4.4 The Air Quality Mitigation Assessment submitted concludes that air quality is not considered a constraint to the development of the site. The Specialist – Environmental Health has not raised any concerns in relation to air quality.
- 5.4.5 Based on the above, no objection to the proposal is raised in relation to the impact on residential amenity.

5.5 Quality of Life for the Occupiers of the Proposed Dwellings

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 All of the private amenity spaces proposed comply with the recommended minimum sizes. There would also be areas of public open space in close proximity to all of the dwellings proposed. Direct 'back-to-back' distances would be at least 25m for the two storey dwellings proposed as recommended in the Essex Design Guide.

- 5.5.3 The Noise Assessment submitted assesses the impact of traffic noise on the occupiers of the proposed dwellings and concludes that BS8233 internal noise levels will be met in all properties using standard double glazing.
- 5.5.4 The Specialist - Environmental Health has raised no objections to the proposal.
- 5.5.5 Therefore, the quality of life for the occupiers of the proposed dwellings would be satisfactory.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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.
- 5.6.2 Condition 65 of the outline planning permission requires that the development makes provision for all types of vehicle parking including the number, location and design of any enclosed structures within the site in accordance with the Council's adopted vehicle parking standards, and 5% of all visitors parking shall be reserved for people with disabilities. These standards are a minimum of one space for one-bedroom dwellings, two spaces for dwellings with two and three-bedrooms and three spaces for dwellings with four or more bedrooms. Visitor parking is required at a rate of at least 0.25 spaces per dwelling. With respect to cycle parking, the standard required is one secure covered space per dwelling unless the dwelling has a garage, or a secure area is provided within the dwelling's curtilage. Cycle parking for visitors is required at a rate of 1 per 8 dwellings. Garages are required to have internal dimensions of 3m x 7m.
- 5.6.3 A total of 150 car parking spaces are proposed including garages and would include 22 parking spaces for visitors spread across the site. Secure cycle storage for all properties would be provided within back gardens, within the garages or within an integral cycle store.
- 5.6.4 One parking space per one-bedroom dwelling and two parking spaces per two / three-bedroom dwelling is included as part of the proposal. This complies with the standard referred to above and the visitor spaces are suitably located across the site with a mixture of on-street spaces and within shared space streets and parking courts. The garages proposed comply with the minimum dimensions required. Adequate cycle parking for dwellings has been included as part of the current application. The number and location of the electric charging points have not been included within the application, but this detail could be required by condition if the application were to be approved. A number of the three-bedroom properties (25no.) proposed also have a study but these rooms are below the minimum size recommended in the NDSS to be used as a bedroom. Therefore, the provision of two parking spaces for these dwellings is considered to be sufficient.
- 5.6.5 Access to Limebrook Park West is proposed to be taken from the external highway network in accordance with the outline consent i.e. via two new priority 'T' junctions with dedicated right-turn lanes on Maldon Road. The approved Movement and Access Parameter Plan shows the main vehicle and cycle / pedestrian routes. Details of the spine roads within the Western Parcel has already been approved as part of application 19/01093/FUL.

- 5.6.6 Essex County Council (ECC) Highways have raised no objections to the proposal. The formal process of gaining consent to divert the public rights of way referred to above has been completed (the Diversion Order was made on 1 July 2022 – reference 20/00856/PROW).
- 5.6.7 Means of access to the site was approved as part of the existing outline and infrastructure planning permissions (references 20/0074/FUL and 19/01093/FUL). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission. The layout has taken account of Design Parameter Plans approved at outline stage and the location of residential land parcels within the highway and green infrastructure networks. The access arrangements for pedestrian and cycle movement is functional and practical for the residential parcels and would provide access to play areas and direct routes to services and facilities off site.
- 5.6.8 The proposal would provide adequate pedestrian and cycleway links with the Eastern Parcel to facilitate access to the facilities to be provided within the Eastern Parcel (local centre, school, allotments, sports facilities etc.) by the Western Parcel residents. The pedestrian and cycle routes and surface treatments are considered appropriate where adjacent to the primary street network and within public open space.
- 5.6.9 Condition 18 of the outline planning permission requires a bus service through the site prior to occupation. Condition 19 of the same permission requires applications for approval of reserved matters to include details of bus stop infrastructure including bus stop locations. There would be no bus stops within Phase 3 but the new bus route through the Western Parcel would cross through the site and all residents would be within 400m (5 minute walk) of a bus stop which is considered to be a reasonable walking distance.
- 5.6.10 Based on the above, no objection is raised to the development proposed on the grounds of highway safety or access, and the proposal follows the parameters agreed as part of the outline planning permission including the vehicular access points to the site. Provision for a bus route through the Western Parcel and any off-site highway works required as part of the development of the Western Parcel have been secured through the existing Section 106 Agreement for the site.
- 5.6.11 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking issues.

5.7 Flood Risk and Drainage

- 5.7.1 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.
- 5.7.2 The application is supported by a Flood Risk Assessment (FRA) which concludes that the development is acceptable in relation to flood risk and the risk of flooding on and off-site is low provided that the finished floor levels are set at least 150mm above existing ground levels. There are no SuDs components proposed in Phase 3 as they are all approved and deliverable within the Phase 2 area.
- 5.7.3 Condition 60 of the outline planning permission requires hydraulic flood modelling with applications seeking approval of reserved matters. Condition 61 of the same permission requires that no development commences until details of who is

responsible for management and maintenance of watercourses is approved (which has already been approved as part of the reserved matters approval for Phase 1). Condition 62 of the same permission requires that an up-to-date FRA is submitted with applications seeking approval of reserved matters. An FRA has been submitted as part of the current application. A hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/01097/RES).

- 5.7.4 The site has outline planning permission for development and is allocated in the LDP for development, so the development is deemed to have passed the Sequential and Exceptions Tests.
- 5.7.5 Condition 63 of the outline planning permission requires that, with the first application for approval of reserved matters, a detailed surface water drainage scheme for the entire site based on SuDs principles and an assessment of the hydrological and hydro geological context of the development is provided. Condition 64 of the outline planning permission requires that any application for approval of reserved matters includes details of foul water drainage for that phase. The drainage details for the whole of the Western Parcel were approved as part of 19/01093/FUL.
- 5.7.6 Surface water will be attenuated using the previously approved SuDs features constructed as part of Phase 2 to restrict runoff rates into the existing watercourses. Foul drainage will be conveyed to a foul sewer in the spine road.
- 5.7.7 Anglian Water Services has not commented on the proposal but did not raise objection to the previous application seeking approval of reserved matters for Phase 1 (reference 19/01097/RES) or the infrastructure proposed for the Western Parcel (reference 19/01093/FUL).
- 5.7.8 Essex County Council SuDs Team has raised no objections and have not recommended that any conditions are attached if permission were to be granted. The Environment Agency has not commented but the development would need to be completed in accordance with the recommendations of the FRA submitted.
- 5.7.9 Based on the specialist advice received, it is concluded that the development would not cause adverse issues with respect to flooding and drainage.

5.8 Nature Conservation

- 5.8.1 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.
- 5.8.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.8.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.8.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.8.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.6 The application is supported by Ecological Conservation Management Plan and Statement December 2022 (as required by condition 70 of the outline planning permission) which includes proposed ecological enhancements (bird and bat boxes and hedgehog highways).
- 5.8.7 Essex Wildlife Trust has not commented on the proposal but ECC Ecology has raised no objections subject to a proportionate financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured as required by Habitats Regulations Assessment (HRA) appropriate assessment, and the ecological mitigation and enhancement measures identified being undertaken. Natural England (NE) has also advised that permission should not be granted until a HRA has been carried out.
- 5.8.8 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Areas of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones Of Influence' (ZOI) of these sites cover the whole of the Maldon District.
- 5.8.9 NE anticipate that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. The application site falls within the ZOI for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is currently £137.71 per dwelling and would be used to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.10 However, the current application is seeking approval of matters reserved as part of the outline planning permission and the principle of the acceptability of the development has already been established as part of that extant outline planning permission which specified the maximum number of residential units. The development, the subject of the current application would result in no greater impact than the development the subject of the outline planning permission and therefore, it is not necessary or reasonable for the LPA to seek mitigation as part of the current application.

- 5.8.11 To accord with NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? Yes

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - As a competent authority, the LPA concludes that the development the subject of the current application would result in no greater impact than the development the subject of the outline planning permission (reference OUT/MAL/14/01103) and therefore, it is not necessary or reasonable for the LPA to seek mitigation as part of the current application.

- 5.8.12 Based on the above, in the absence of any objection from consultees and based on the contents of the Ecological Conservation Management Plan submitted, no objection to the proposal is raised on the grounds of its impact on nature conservation.

5.9 Other Material Considerations

- 5.9.1 Energy Efficiency: The Renewable Energy and Sustainability Statement submitted sets out the measures planned by the applicant to achieve sustainable design and CO₂ reductions at the development site. The report describes the measures to be adopted by the applicant to address energy efficiency including heating, fabric, hot water and electricity beyond policy and regulatory compliance. Some solar PV (Photovoltaic) would be provided.
- 5.9.2 Archaeology: Essex County Council Archaeology has raised no objections and advised that the area in question has been previously archaeologically trial-trenched and no significant archaeological remains have been identified. On this basis, no objection to the proposal is raised on the basis of impact on archaeology.
- 5.9.3 Contaminated Land: The Specialist - Environmental Health raises no objections and this matter has been dealt with by conditions attached to the outline planning permission.

6. ANY RELEVANT SITE HISTORY

- **Outline Application Site:**
 - **13/01169/SCR**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
 - **14/01103/OUT** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports

playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.

- **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.
- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of 0110/OUT as amended by permissions 16/01454/FUL and 16/01458/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.
- **17/00396/FUL** - Variation of condition 27 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **18/00070/FUL** - Variation of condition 7 on approved application 17/00396/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a

primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.

- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL –Deed of Variation completed.
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Approved 27.03.2020
- **20/00074/FUL** - Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 19.06.2020
- **22/00393/VARM** Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking. (Description of most recent outline planning permission 20/00074/FUL: *Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11*

(details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 12.08.2022

- **Western Parcel Only:**
 - **23/00190/RESM** – Reserved matters application for the approval of appearance, landscaping, layout and scale of Phase 3 of the Western Parcel (comprising 77 residential dwellings (Use Class C3), new public open space and car parking) of approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Undetermined
 - **21/00889/RESM** – Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking. (Description of most recent outline planning permission 20/00074/FUL: *Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))*. Approved 28.01.2022.

- **19/01093/FUL** - Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071. Approved 04.02.2020.
- **19/01097/RES** - Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. Approved 19.03.2020.
- **20/00294/FUL** - Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.) Approved 09.06.2020.
- **20/00697/FUL** - Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.) Approved 07.10.2020.
- **20/00856/PROW** - Diversion of a public footpath 41 (PROW 253) & 14 (PROW 248) Diversion Order made 01.07.2022.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval but it is with regret they note that only the minimum standards have been applied for space for car parking and amenity space provided which may be inappropriate for new residents.	Noted.
Woodham Mortimer with Hazeleigh Parish Council	No response.	

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
SuDS Team at Essex County Council	<p>Having reviewed the documents submitted, no objections based on the following:</p> <p>Works to be in accordance with the Drainage Strategy Report Revision B by RCD, dated 08/12/22.</p> <p>Since outline permission was granted utilising 30% climate change uplift on rainfall, the current EA estimate for climate change in this area has been revised to 45% (May 2022). It is recommended that a greater level of attenuation be sought for the site in line with the updated estimate.</p> <p>Advisory comments are also made.</p>	Noted – as the application is only seeking approval of details reserved as part of the outline planning permission, a level of attenuation greater than that previously approved could not be required - refer to section 5.7 of report.
Environment Agency	No comments.	Refer to section 5.7 of report.
Natural England	Planning permission should not be granted until such time as a HRA has been carried out and the conclusions confirmed in line with guidance. No objection subject to securing appropriate mitigation for recreational pressure impacts on habitats sites (European Sites).	Noted – refer to section 5.8 of report.
Essex County Council Highways	No adverse comments.	Noted - refer to section 5.6 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Archaeology	The archaeological fieldwork has been completed for this site and a report provided. There are no further archaeological requirements with regard to this site.	Noted - refer to section 5.9 of report.
Anglian Water Services	No response.	
Essex and Suffolk Water	No response.	
Essex Wildlife Trust	No response.	
Essex County Fire and Rescue	No response.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	Having reviewed the technical reports including air quality and noise, it would appear that no mitigation is necessary. Based on these conclusions the service has no adverse comments in relation to this application.	Noted – refer to sections 5.4 and 5.5 of report.
Strategy Theme Lead - Place	No response.	
Tree Consultant	No response.	Refer to section 5.3 of report.
Senior Specialist Co-ordinator - Housing	The Section 106 for this development has identified/agreed a tenure split of 70% Affordable Rented and 30% Intermediate Rented. Further to the Local Housing Needs Assessment 2021, which forms a material consideration, Strategic Housing would request that the 1 bed bungalows are identified for Affordable rent and are built to M4 (3) 2a standards. The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England. The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.	Noted – refer to section 5.2 of report.

Name of Internal Consultee	Comment	Officer Response
	Strategic Housing Services fully supports this Application which is providing the required percentage of Affordable Housing on this Phase of the development and these properties will greatly assist in meeting the Housing needs of the district.	
ECC Ecology	<p>No objection subject to securing:</p> <ul style="list-style-type: none"> a) a proportionate financial contribution towards Essex Coast RAMS b) biodiversity mitigation and enhancement measures. <p>They support the mitigation recommendations provided within the Ecological Conservation Management Plan (Tetra Tech December 2022), including the recommendation of a Construction Environmental Management Plan which has already been secured by Condition 81 of the original planning application. This is necessary to conserve protected and Priority species particularly bats, nesting birds, reptiles, and Badger.</p> <p>We also support the biodiversity enhancements of bird boxes, bat boxes, wildflower meadows, hedgerow planting outlined within the Ecological Conservation Management Plan (Tetra Tech December 2022) and Landscape Management and Maintenance Plan (ACD Environmental, November 2022). Reasonable biodiversity enhancement measures have already been secured by Condition 70 of the decision notice issued for the original planning application. These are to be included within the Ecological Conservation Management Plan (ECMP).</p> <p>This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.</p>	Noted – refer to section 5.8 of report.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be completed and maintained in accordance with the following approved plans and documents:
 - CN077-PH3-PL-01 Location Plan rev.C
 - CN077-PH3-PL-02 Master Development Layout rev.F
 - CN077-PH3-PL-02a Accommodation Schedule rev.C
 - CN077-PH3-PL-03 Development Layout rev.M
 - CN077-PH3-PL-04 Detailed Layout rev.H
 - CN077-PH3-PL-05 Parking Layout rev.J
 - CN077-PH3-PL-06 Garden Areas Layout rev.I
 - CN077-PH3-PL-07 Storey Heights Layout rev.H
 - CN077-PH3-PL-08 Refuse Layout rev.H
 - CN077-PH3-PL-09 Materials Layout rev.H
 - CN077-PH3-PL-10 HA Location Plan rev.H
 - CN077-PH3-PL-11 photo voltaic panel location plan rev.H
 - CN077-PH3-HA-1BBa-01 1Bed Bungalow - 1BBa Plans & Elevations rev.A
 - CN077-PH3-HA-2BBa-01 2Bed Bungalow - 2BBa Plans & Elevations rev.00
 - CN077-PH3-HA-HA52a-01 1 Bed Apartment - HA52a Plans & Elevations rev.B
 - CN077-PH3-HA-HA61a-01 2 Bed Apartment - HA61a Plans & Elevations rev.B
 - CN077-PH3-HA-HA61b-02 2 Bed Apartment - HA61b Plans & Elevations rev.B
 - CN077-PH3-HT-AP1a-01 1 Bed Apartment - AP1a Plans & Elevations rev.C
 - CN077-PH3-HT-ASa-01 Ashtead – Asa Plans & Elevations rev.00
 - CN077-PH3-HT-ASb-02 Ashtead – Asb Plans & Elevations rev.00
 - CN077-PH3-HT-CHa-01 Chesham – Cha Plans & Elevations rev.A
 - CN077-PH3-HT-DAa-01 Dartford – Daa Plans & Elevations rev.A
 - CN077-PH3-HT-HAa-01 Hatfield – Haa Plans & Elevations rev.00
 - CN077-PH3-HT-KEa-01 Keswick – Kea Plans & Elevations rev.A
 - CN077-PH3-HT-KEb-02 Keswick – Keb Plans & Elevations rev.A
 - CN077-PH3-HT-KEc-03 Keswick – Kec Plans & Elevations rev.A
 - CN077-PH3-HT-MAa-01 Marlborough – Maa Plans & Elevations rev.A
 - CN077-PH3-HT-MAb-02 Marlborough – Mab Plans & Elevations rev.C
 - CN077-PH3-HT-SEa-01 Seaton – Sea Plans & Elevations rev.00
 - CN077-PH3-HT-SEb-02 Seaton – Seb Plans & Elevations rev.00
 - CN077c-PH3-GR-01 SG1 & SG2 Plans & Elevations rev.00
 - CN077c-PH3--GR-02 SG3 Plans & Elevations rev.00
 - CN077c-PH3--GR-03 SG4 Plans & Elevations rev.00
 - 1160-1008-CIV-10-P5 Sitewide drainage layout (sheets 1-5)
 - 1160-1008-CIV-11-P4 Drainage layout

- 1160-1008-CIV-12-P4 Drainage layout
- 1160-1008-CIV-13-P5 Drainage layout
- 1160-1008-CIV-14-P4 Drainage layout
- 1160-1008-CIV-17-P2 Drainage Strategy
- 1160-1008-CIV-20-P1 Longitudinal section
- 1160-1008-CIV-21-P1 Longitudinal section
- 1160-1008-CIV-22-P1 Road setting out
- 1160-1008-CIV-23-P1 Road setting out
- 1160-1008-CIV-24-P1 Road setting out
- 1160-1008-CIV-FEP-P24 Drainage Strategy
- 1160-1008-CIV-SL01-P1 refuse vehicle swept path
- 1160-1008-CIV-SP01-P1 refuse vehicle swept path
- 1160-1008-CIV-SP02-P1 refuse vehicle swept path
- 1160-1008-CIV-SP03-P1 refuse vehicle swept path
- 1160-1008-CIV-SP04-P1 refuse vehicle swept path
- 1160-1008-CIV-SP05-P1 refuse vehicle swept path
- 1160-1008-CIV-SP06-P1 refuse vehicle swept path
- 1160-1008-CIV-SP07-P1 refuse vehicle swept path
- 1160-1008-CIV-01-P2 Proposed levels
- 1160-1008-CIV-02-P2 Proposed levels
- 1160-1008-CIV-03-P3 Proposed levels
- 1160-1008-CIV-04-P3 Proposed levels
- 1160-1008-CIV-41-P1 private external works construction details
- CREST24027 10C landscape masterplan
- CREST24027_12C hard landscape proposal (sheets 1-4)
- CREST24027_11C Composite landscape proposals
- CREST24027_11C soft landscape proposals (sheets 1-4)
- Renewable Energy and Sustainability Strategy December 2022 rev.A
- Air Quality Mitigation Statement May 2023
- Noise Assessment December 2022
- Ecological Conservation Management Plan and Statement (May 2023); Ecological Input for Conservation Environmental Management Plan - December 2022; Ecological enhancement plan Figure 3 (Rev.B May 2023)
- Drainage Strategy Report October 2022 (updated 17.05.2023)
- Landscape Management and Mitigation Plan rev.B December 2022
- Flood Risk Assessment March 2023

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

- 2 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2023). The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.

REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policy D5 of the Maldon District Approved Local Development Plan.

3. The development shall be carried out in accordance with the approved Ecological Conservation Management Plan and Statement (December 2022), Ecological enhancement plan Figure 3 (March 2023) and Landscape Management and Mitigation Plan rev.A (December 2022). The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.
REASON In the interests of nature conservation, in accordance with the NPPF and Policies N1, N2 and N3 of the Maldon District Approved Local Development Plan.
4. The dwellings hereby permitted shall be provided with at least one electric vehicle charging point prior to the occupation of the dwelling. For the visitor parking spaces proposed, at least two fast charging points shall be provided. The development shall be retained as approved thereafter.
REASON To ensure appropriate parking is provided in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
5. No dwelling shall be occupied until details of a scheme of boundary treatment and landscaping for the area shaded green adjacent to the western boundary of the application site on drawing CN077-PH3-PL-02revE Master Development Layout along with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
REASON In the interests of the character and appearance of the area, in accordance with policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
6. The one bedroom affordable bungalows hereby permitted shall be provided with wet rooms/showers prior to their occupation.
REASON: To ensure the facilities provided are suitable for use by disabled occupiers, in accordance with Policy H1 of the approved Maldon District Local Development Plan.
7. The communal amenity space for the apartments hereby permitted shall be separated from the adjacent, associated car parking area prior to the occupation of any of these units in accordance with details which shall have been submitted to and approved in writing by the local planning authority. Such details to include appropriate fencing and/additional any other form of appropriate screening to the satisfaction of the Local Planning Authority,
REASON: In the interests of the safety and amenity of the occupiers of the proposed apartments, in accordance with Policy D1 of the approved Maldon District Local Development Plan.

INFORMATIVES

1. ECC SuDs Team:
 - a. recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.
<https://www.essex.gov.uk/protecting-environment>
 - b. 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.
 - c. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- d. 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.
- e. 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.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
14 JUNE 2023**

Application Number	23/00321/OUTM
Location	Land west of Maypole Road, Heybridge
Proposal	Outline planning application with all matters of detail reserved except for means of access to the site for the construction of up to 45 dwellings, together with associated garaging, parking, public open space, landscaping, access, highways drainage and infrastructure works
Applicant	Peter & Jennifer Travis Endurance Estates Land Promotion Ltd
Agent	Mrs Kathryn Slater – Eclipse Planning Services
Target Decision Date	26.06.2023
Case Officer	Kathryn Mathews
Parish	HEYBRIDGE
Reason for Referral to the Committee / Council	Major application Part of strategic allocated site within the Local Development Plan

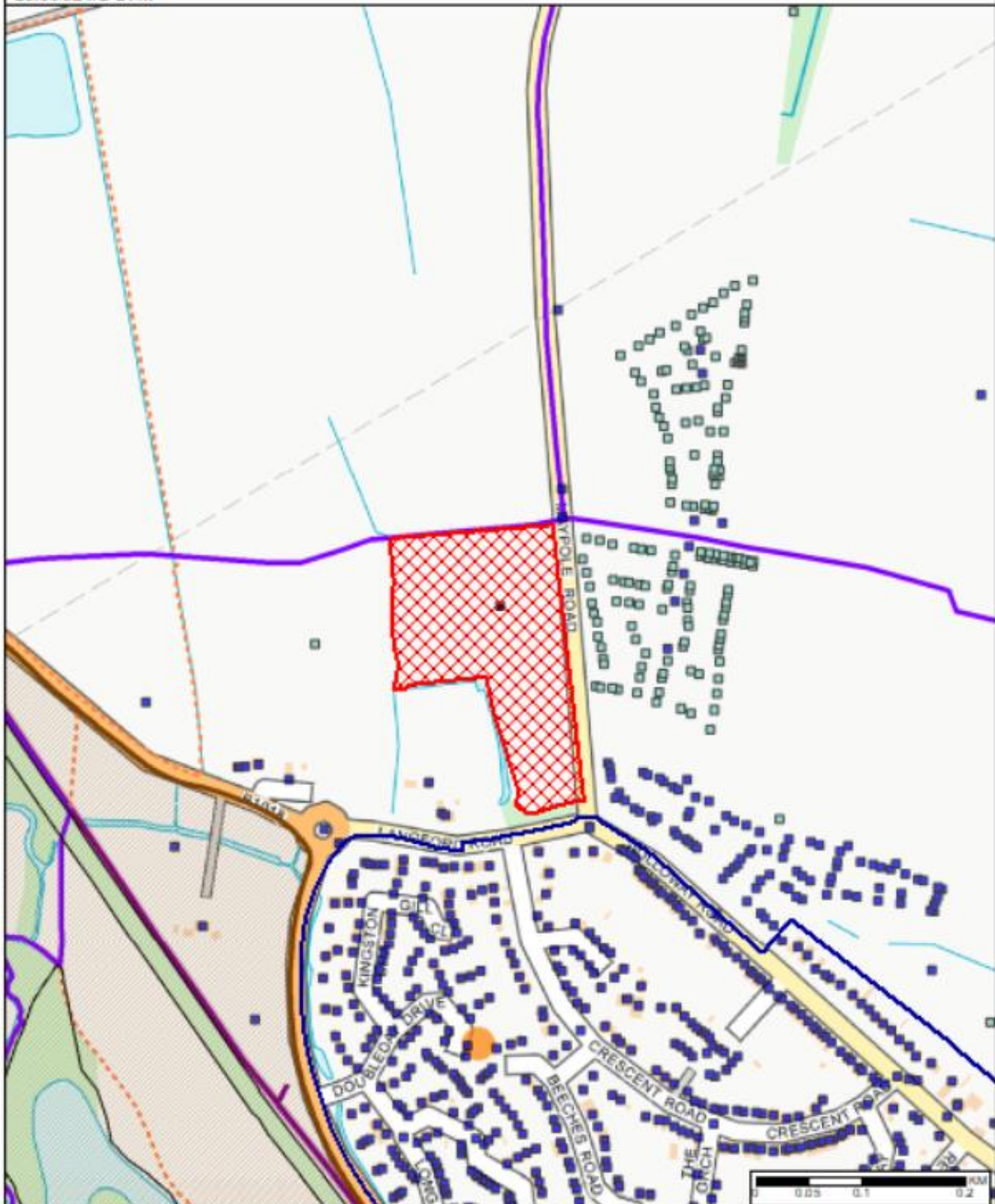
1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8.

2. SITE MAP

Please see below.

Land west of Maypole Road, Heybridge, Essex
23/00321/OUTM



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	Organisation: Maldon District Council
	Department: Department
	Comments: District Planning Committee
	Date: 17/05/2023
MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Maypole Road outside the settlement boundary of Maldon and Heybridge. The site is currently in agricultural use and devoid of development. Maypole Road runs due north from its junction with Holloway Road and Langford Road on the edge of the built-up area of Heybridge.
- 3.1.2 The site is opposite part of the North Heybridge Garden Suburb (NHGS) on the eastern side of Maypole Road which is allocated in the Maldon District Local Development Plan for 1,383 dwellings distributed over three sites (S2(d), S2(e) and S2(f) as part of Policy S2 Strategic Growth.
- 3.1.3 To the north and west is mostly land forming part of the NHGS. However, it does not form part of the allocation for built development. Opposite the south-east corner of the site, on the eastern side of Maypole Road, is NHGS Site S2(e), a recent residential development of 84 dwellings now known as Barbrook Avenue and Lewis Avenue which is accessed from Holloway Road. Site S2(d) has planning permission for a mixed-use development including 1,138 dwellings and a new distributor road. The proposed distributor road is to be located around 70m to the north of the application site and will connect B1018 Langford Road and B1022 Broad Street Green Road and form the northern boundary to the NHGS. A staggered crossroads is to be provided where the new distributor road meets Maypole Road. There is also to be a junction formed on the eastern side of Maypole Road to provide access into the Garden Suburb and local centre and primary school proposed.
- 3.1.4 The site is an inverted L-shaped parcel of land of 3.2 hectares. The same site was the subject of a previous planning application (OUT/MAL/15/01152) for residential development which was dismissed at appeal in 2018. The characteristics of the site have changed little since.
- 3.1.5 Ground levels within the site range between 5.43m and 7.4m AOD and levels fall from north east to south west. It is bound on the northern, eastern and south western boundaries by hedgerows containing a number of mature trees, including a single veteran oak on the northern boundary. Drainage ditches form the eastern and northern boundaries as well as the southern boundary adjacent to the Old Rectory. The only existing access into the site is a farm access in the south eastern corner of the site from Maypole Road.
- 3.1.6 The Old Rectory, together with adjacent stables and Mitchell Farm Barn located to the south and west of the site beyond a paddock, are Grade II listed buildings.
- 3.1.7 The nearest public footpath (Footpath 3) is located to the west which runs parallel to the western boundary of the site at a distance of around 180m from Langford Road adjacent to Mitchell's Farm Cottages towards Eastland Wood and, further to the north, connects with other rights of way running east and west, including Footpath 19. There are no footpaths on either side of Maypole Road although there are footpaths associated with Holloway Road and Langford Road to the south.
- 3.1.8 The closest bus stops are located on Holloway Road, approximately 100m from the south east corner of the site served by buses to Heybridge, Maldon and Chelmsford.
- 3.1.9 Outline planning permission is sought for 45 dwellings, together with associated garaging, parking, public open space, landscaping, access, highways drainage and infrastructure works. All matters of detail are reserved for future determination except

for vehicular access to the site. The existing agricultural access into the site at the junction of Maypole Road, Langford Road and Holloway Road (a mini roundabout) would be closed to vehicular traffic and a new vehicular access would be created off Maypole Road approximately 200m to the north of this mini roundabout. It is also proposed to reduce the speed limit along this stretch of Maypole Road from a national speed limit of 60mph (miles per hour) to 30mph. It is proposed that the existing site access would become a pedestrian and cycle route and new footways would be provided either side of the mini-roundabout junction with Maypole Road, Langford Road and Holloway Road along with crossing facilities. The footpath would extend 18m to the west of the mini-roundabout and 25m to the east,

3.1.10 The application has been accompanied by a 'Parameter Plan' which suggests that the dwellings would occupy 1.65ha of the site and that the remaining 1.55ha would be open space. It is stated that the illustrative masterplan submitted has been designed taking into account the NHGS Strategic Masterplan Framework (2014), the NHGS Design Codes (2017) and the Maldon District Design Guide (MDDG). It is stated that the development could be designed in-line with its location within the Garden Suburb. Two public open spaces are included within the illustrative masterplan. It is stated that the public open space informal paths would be able to connect to the permission footpath to be provided as part of the NHGS and planting could be provided to supplement that which exists. Reference is made to surface water drainage being dealt with using SuDS (Sustainable Drainage Systems) (permeable paving, swales and infiltration basins) and foul drainage needing a pumping station within the development to the public sewer.

3.1.11 The mix of housing would be proposed at the reserved matters stage but it is confirmed that 40% (18) of the dwellings would be affordable housing. Reference is made to the dwellings being two storeys in height and that the density would be approximately 27dph (dwellings per hectare) to 'reflect the transitional character of the Site'.

3.1.12 The application is accompanied by a number of supporting documents:

- Drawing no.8187-101A - Site location plan;
- Drawing no. 2108-010-PL01 – Proposed site access works;
- Drawing no. 2108-010-PL02 – Proposed off site highway improvement works;
- Drawing No. 8187-105C – Parameter plan;
- Drawing No. 8187-104C – Illustrative masterplan;
- Planning Statement including Affordable Housing Assessment and Section 106 (S106) Draft Heads of Terms;
- Five Year Housing Land Supply Assessment;
- Design and Access Statement including landscape strategy;
- Transport Statement including a Road Safety Audit;
- Flood Risk Assessment and Surface Water Drainage Strategy, including Surface Water (Overland Flow) Flood Modelling Report, Lead Local Flood Authority (LLFA) SuDs Proforma and SuDs Management Strategy;
- Preliminary Foul Drainage and Utilities Assessment;
- Heritage Statement (Archaeology and Built Heritage) including a Geophysical Survey;
- Landscape and Visual Impact Assessment;
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan;

- Ecological Appraisal, together with a separate confidential appendix regarding the badger survey;
- Bat Survey Report;
- Report to Inform a Habitat Regulation Assessment;
- Biodiversity Net Gain Assessment;
- Essex Biodiversity Validation Checklist;
- Noise Impact Assessment;
- Phase 1 Environmental Report;
- Copy of public notice placed in the Maldon and Burnham Standard March 2023.

3.1.13 In support of the application, reference is made to the Council's Housing and Economic Land Availability Assessment which suggests that the site is suitable for residential development.

3.1.14 The applicant accepts that the development conflicts with Policies S2, S3, S4 and S8 but suggests that this conflict is limited due to the modest scale of development in context of the NHGS as a whole.

3.1.15 With respect to housing supply, reference is made by the agent for the application to the Council's 5-Year Housing Land Supply (5YHLS) position including the rates of implementation/construction of the NHGS. The 5YHLS Assessment concludes that there was between 3.38 and 3.9 years of housing land supply (between 3.55 and 4.18 years if the proposed revisions to the NPPF are taken into account).

3.1.16 They suggest that, since the previous appeal decision 4.5 years ago, circumstances have changed significantly as the LDP is out of date and delivery of housing has been much less than expected.

3.2 **Conclusion**

3.2.1 The development has been assessed as being unacceptable in principle and that it would cause harm to other interests of acknowledged importance which are not outweighed by the benefits of the proposal. It is, therefore, recommended that planning permission is refused.

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
- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport

- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural 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 the Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- H1 Affordable Housing
- H2 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
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex coast recreation Disturbance Avoidance Mitigation Strategy (RAMS) SPD
- Green Infrastructure Strategy (2019)
- Affordable Housing and Viability SPD (2019)
- North Heybridge Garden Suburb Strategic Masterplan Framework (2014)

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 The application is accompanied by a draft list of Heads of Terms for a Section 106 Agreement as follows:

- Affordable housing;
- Public open space provision and long-term maintenance and management;
- Education;
- Highways – a financial contribution towards Speed Regulation Order for Maypole Road;
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – financial contribution.

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of the application are the principle of the development, the impact of the development on the character and appearance of the area, including the setting of heritage assets, the impact on the amenity of existing residents, highway safety / access / parking matters, the quality of life for the occupiers of the proposed residential units and flood risk / drainage. The impacts of the development on nature conservation, land contamination and archaeology would also need to be assessed.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.2.2 Policy S1 of the LDP states that *‘When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF’* and apply a number of key principles in policy and decision making set out in the Policy.

5.2.3 Policy S2 states that *“Significant infrastructure constraints exist which will strictly limit the capacity for growth in Maldon, Heybridge and Burnham-on-Crouch in excess of that set out in Policy S2. Any proposal for development in excess of the allocations set out in Policy S2 will need to demonstrate to the Council’s satisfaction that:*

- *It will not prejudice or delay the delivery of the Garden Suburbs, Strategic Allocations, or planned infrastructure improvements; and*
- *There will be sufficient infrastructure capacity to support the development”.*

5.2.4 Policy S4 states that development in excess of that provided for in Policy S2 will be resisted by the Council, *“unless it can be demonstrated that it can be accommodated without prejudicing or delaying the delivery of the LDP Garden Suburbs, Strategic Allocations, or planned infrastructure improvements”.* The third bullet point states that *“The area between the new relief road, Maypole Road and Langford Road will be used for green infrastructure, agriculture, flood alleviation and/or landscaping measures.”* Policy S4 confirms that none of the land west of Maypole Road, included within the strategic allocation, is in fact intended for built development. Instead, it forms part of a green buffer to prevent the coalescence of the NHGS with the

settlement of Langford to the west and to maintain a clear and defensible western boundary to Heybridge.

- 5.2.5 Policy S8 of the LDP steers new development towards the existing urban areas. The application site is located outside the defined settlement boundary of Maldon and Heybridge, classified as two of the three “main settlements” within the District, as detailed within policy S8 of the LDP. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties.
- 5.2.6 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the 5YHLS. It is noted that a 5YHLS Assessment has been submitted with the application which concludes that the Council has between 3.38 and 3.90 years (3.55 – 4.18 years if the consultation proposals are implemented) of housing land supply with no prospect of improvement in the short or medium term. However, the Council’s assessment is that there is currently a deliverable 5YHLS of 6.35 years. Therefore, the ‘tilted balance’ is not engaged. It is noted that, as part of the previous appeal, the Inspector considered that the Council could demonstrate a 5YHLS with an appropriate buffer at that time. It is considered that the same situation currently exists.
- 5.2.7 However, it is still necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, this presumption does not change the statutory status of the development plan as the starting point for decision making.
- 5.2.8 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles.
- 5.2.9 Environmental Dimension
- 5.2.9.1 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.
- 5.2.9.2 The application site is on the outskirts of Maldon and Heybridge. A Transport Statement has been submitted.
- 5.2.9.3 Although the application site is located within the rural area, the occupiers of the site would have access to a reasonable amount of services and facilities either within the NHGS itself or within the neighbouring towns of Maldon and Heybridge to meet the day to day needs of the future occupiers without there being an over-reliance on private means of transport. Paragraph 105 of the NPPF which states that “*The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*”. Therefore, it is considered that, with the improvements proposed in relation to pedestrian and cycle access to/from the site, the development would have a reasonable level of accessibility and the occupiers of the site would not be overly reliant on the use of private vehicles, which weighs in favour of the proposal. This accords with the conclusions of the Inspector in relation to the previous appeal.

5.2.9.4 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area and the setting of heritage assets, nature conservation, residential amenity, flood risk / drainage, land contamination and archaeology) are discussed below.

5.2.10 Social Dimension

5.2.10.1 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing, including affordable housing, within the District. The applicant has also agreed to enter into a Section 106 Agreement to secure financial contributions towards education and the NHS. The contributions required are set out below as part of the consultation responses received. Furthermore, it is acknowledged that the proposed new green infrastructure and open spaces would make a positive contribution towards the social dimension of sustainable development but its provision and future maintenance / management would need to be secured through a Section 106 Agreement.

5.2.11 Affordable Housing

5.2.11.1 The site is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. It is stated that the provision for 40% of the residential units proposed as affordable units on the basis of which the proposal complies with Policy H1.

5.2.11.2 Strategic Housing Services support the application on this basis. The Affordable Scheme detailing tenure, cost, allocation of units would need to be agreed by the local planning authority, in consultation with the Senior Specialist – Housing, as part of compliance with the S106 Agreement which would need to be completed prior to any planning permission being granted.

5.2.12 Housing Mix

5.2.12.1 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's Strategic Housing Market Assessment (SHMA), published in June 2014, identified the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. However, the more recent Local Housing Needs Assessment (LHNA) (May 2021) identifies different greatest needs, as follows:

Market Housing

Dwelling size	LHNA requirement
1 bedroom	Up to 10%
2 bedrooms	25-35%
3 bedrooms	40-50%
4+ bedrooms	15-25%

Affordable Ownership

Dwelling size	LHNA requirement
1 bedroom	15-25%
2 bedrooms	35-45%
3 bedrooms	25-35%
4+ bedrooms	5-15%

Affordable Rented

Dwelling size	LHNA requirement
1 bedroom	30-40%
2 bedrooms	30-40%
3 bedrooms	20-30%
4+ bedrooms	Up to 10%

5.2.12.2 Reference is made in the application to a housing mix consisting of 18% one bedroom, 31% two bedroom, 22% three bedroom and 29% four/five bedroom properties which would not accord with the mix set out in the LHNA. However, a specific housing mix is proposed as part of the current application and a condition could be imposed if planning permission were to be granted to require that the mix accords with the LHNA. In that case, the development would contribute positively to the currently identified housing need and be responsive to local circumstances which would weigh in favour of the proposal.

5.2.13 Economic Dimension

5.2.13.1 With reference to the economic dimension of sustainable development, the development would result in economic benefits through the employment and business created by the construction of the development proposed. The occupiers of the dwellings would also provide additional custom for local businesses. These economic benefits would comply with Policy E1 of the LDP and would weigh in favour of the proposal.

5.3 **Design and Impact on the Character of the Area**

5.3.1 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.

5.3.2 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 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”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.3.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;

- d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Policy H4, with respect to density, states that all development will be design-led and will seek to optimise the use of land having regard to a list of considerations including the location and setting of the site (1), the existing character and density of the surrounding area (2) and the impacts upon the amenities of neighbouring properties (7).
- 5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.7 The site is also covered by the NHGS Masterplan Framework and Design Codes.
- 5.3.8 The application is accompanied by a Design and Access Statement including landscape strategy, Heritage Statement (Archaeology and Built Heritage) including a Geophysical Survey, a Landscape and Visual Impact Assessment (LVIA), Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
- 5.3.9 The LVIA identifies the site's location as within a Local Landscape Character Area (LCA) A7 Lower Chelmer River Valley and sub area A7a Lower Chelmer River Valley Floor. It concludes that the effects on the landscape are localised and limited to these areas, with the greatest levels of effects occurring within the site and approximately 400m to the west and north west. Within the site, effects would be at most Major-Moderate and Adverse. Beyond the boundaries of the site, landscape effects would be limited to the field immediately to the west and northwest where they would vary from Large to Medium scale and as a result of the establishment of tree planting would generally be Slight and Adverse. Outside of these areas within 500m of the site, landscape effects would be Light or Minimal. Visual effects would also be localised, with the most affected receptors being part of Heybridge at Langford Cross, users of Maypole Road and users of the Public Right of Way to the west and north west but none of these would experience effects greater than Moderate and Adverse. Paragraph 7.2 of the LVIA states that the "*greatest visual effects arising would be on users of the future permissive footpath that is proposed as part of the Land North of Heybridge scheme, which will run close to the northern boundary of the site*". Beyond the immediate vicinity of the site there would generally be very limited visibility of the development and any views would typically be glimpsed and /or partial. No visual receptors within the wider landscape would experience effects greater than Slight and Neutral.

- 5.3.10 A Tree Survey was undertaken by Haydens in 2022. A number of individual trees (21), 1 group of trees, 3 areas of trees and 1 hedge were inspected, all located on the site boundaries. The majority of trees are either of moderate quality and value (category B) or low quality (category C). There are 2 high value oak trees (category A), one of which is a veteran tree. As the trees are located along the site's boundaries it is considered possible to retain and supplement them in any proposed development. The proposed vehicular access into the site would require a section of hedgerow to be removed.
- 5.3.11 The application is in outline form with matters of layout, landscaping, scale and appearance being reserved for future determination. However, matters relating to access are to be assessed as part of the current application.
- 5.3.12 In terms of the density of the residential development this is anticipated to be 27dph. If the site were to be developed for residential purposes, a low density is considered to be appropriate for this rural site which is within the countryside.
- 5.3.13 However, the development would extend over a significant area and would, inevitably, alter the rural character and appearance of the area.
- 5.3.14 There would be views of the development from its surroundings including from the public right of way in the vicinity of the site as well as from Maypole Road and existing residential properties. Additional landscaping could enhance the existing vegetation and help to reduce the visual impact of the development in its setting in the longer term, and details of external materials, soft and hard landscaping as well as external lighting could be required by condition if planning permission were to be granted. However, the development would harm the character of the site and its rural surroundings. There is to be residential development on the eastern side of Maypole Road, but this highway is considered to delineate the western extent of the settlement and there is a marked difference in the character on the western side of the road compared to the eastern side. The introduction of a housing estate would be a significant visual intrusion into the countryside. The necessary loss of hedgerow along Maypole Road (indicated as being 10m in length) would exacerbate this harm. These conclusions align with those reached by the Inspector when determining the previous appeal:

Landscape / Visual Character

10. *Policy S3 of the LDP, entitled 'place shaping' states that, amongst other things, Garden Suburbs will be planned as high quality neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. The policy then sets out a number of principles that must be incorporated into the development of these areas, including a strong landscape character, a clear and harmonious relationship between town and country; it adds that a masterplan for each Garden Suburb will be prepared as a guide for development.*
11. *The appeal site sits within the North Heybridge Garden Suburb (NHGS) which is identified in Policy S4 of the LDP. The policy identifies a number of key features that development within the Garden Suburb should incorporate, including increased and enhanced green infrastructure. In addition, the policy states that Masterplans for the garden suburbs will be prepared in accordance with the principles set in the policy and that development within the relevant areas should have regard to the Masterplan. Policy S4 adds that within the North Heybridge Garden Suburb a number of additional principles should be applied, in order to form a clear defensible northern and western boundary and to reduce the potential for future coalescence with neighbouring villages;*

- these include that the area between the new relief road, Maypole Road and Langford Road (which includes the appeal site) will only be used for green infrastructure, agriculture, flood alleviation and/or landscape measures.
12. The Council has endorsed the NHGS Strategic Masterplan Framework (SMF) as a material consideration for development management purposes. In addition the Council approved the Strategic Design Code (SDC) as a basis for the determination of planning applications within this area. It is acknowledged within the Statement of Common Ground that neither document has been adopted as a Supplementary Planning Document. However, I attach some weight to their contents as a clear indication of how the Council expect to see the implementation of its adopted policies, in this respect.
 13. The layout within the SMF shows that the appeal site would be for landscape, flood alleviation and/or open space and that residential development would take place on the opposite (east) side of Maypole Road. Within the SMF the appeal site would form part of a larger area of open land extending north and west. This is consistent with the requirement set out in Policy S4.
 14. The appeal site is an inverted L shape with its long side adjacent to Maypole Road and its projection in the north-west. Whilst the appeal is in outline form only, an illustrative layout indicates one way in which the site may be set out; this includes an open area within the north-west and residential development on the remainder.
 15. I consider that full weight must be given to the provisions of the LDP and Policy S4 is clear in its provision that the larger area of land to the west of Maypole Road here, including the appeal site, should be used for green infrastructure, agriculture, flood alleviation and/or landscape measures. This is refined and given strength by the provision of the SMF. The proposal to construct houses on most of the site is clearly contrary to this provision of the policy within the LDP.
 16. The appeal site and the larger area of land identified as open here, forms part of a much larger comprehensive development within the District which has key strategic implications. It involves the development of open land and has obviously involved a balance of the loss of open land for housing and other purposes, with the desire to provide open land which could be protected in some manner by the provisions of the Policy S4 and the SMF. Maypole Road has been identified as a clear and 'defensible' boundary for the built development of this area, for the purposes set out above. I have taken account of the evidence submitted by the appellants and the Council in respect of the landscape and visual effects of the proposal. Whilst I acknowledge that the land is not covered by any specific landscape designation, I judge that its value here is one deriving from the fact that it will form the immediate rural setting at the edge of the Garden Suburb; its intrinsic value is its openness. It will allow the formation of an appropriately designed soft edge to be formed on the opposite side of Maypole Road which will leave the road as the logical and 'defensible' edge of the housing area, in accordance with Policy S4. The proposed development would undermine this aim and be contrary to Policy S4 in this respect.

5.3.15 It is considered that the same conclusions apply to the development currently proposed. The development the subject of the current application is for the same number of dwellings at a higher density to those in the immediate vicinity of the site on the western side of Maypole Road. As a result, the development would not provide a visual transition between that approved as part of the NHGS and the countryside as the applicant suggests. Overall, it is considered that there are no defensible reasons for different conclusions to those of the Inspector to be reached in relation to the current scheme.

5.3.16 In relation to impacts on heritage assets, the Specialist – Heritage and Conservation, taking into account the 2018 appeal decision, raises no objection to the proposal on heritage grounds. The Inspector's conclusions in relation to the impact on the setting of the listed building, which are considered to apply to the development currently proposed, were as follows:

17. *The appeal site sits immediately adjacent to the grounds of The Old Rectory and its associated Stables. Both are Grade II listed buildings and it is agreed by both main parties that there would be no unacceptable effects on the setting of the Stables.*
18. *The Old Rectory is said to date primarily from the late 18th Century and its special interest is agreed to derive from its age, history, architectural interest and its group value with the Stables. Its immediate surroundings are formed by its large garden which includes a swimming pool and tennis court as well as other open areas. The gardens are bounded by trees and other planting which form a screen from surrounding land to the east and north (with the appeal site) and to the west, although photographs reveal that the level of screening is reduced in the winter months.*
19. *There is an historic association between the appeal site and the Old Rectory in that it formed part of a larger area of land owned and functionally linked to the Old Rectory as glebe land. This functional relationship ceased some considerable time ago. However, I agree with the appellant and Council, that the appeal site has some value in its contribution to the significance of the listed building due to this historic association and its part of the wider rural and tranquil surroundings. I consider this to be secondary to its historic and architectural values and less than the value of its immediate setting represented by its current enclosed large garden.*
20. *The development of most of the appeal site with housing will reduce the contribution that the site makes to its significance. Taking account of the low level of contribution to the significance of the historic asset that the appeal site makes, I consider that this would result in 'less than substantial harm' to its significance, as set out in paragraph 196 of the NPPF. Within this level of harm the Council suggested that it should be seen as 'moderate' and the appellant suggests that it would be 'minor'; taking account of the above factors, I agree that it would be minor harm that would arise.*

5.3.17 Therefore, no objections to the proposal on heritage grounds are raised.

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 would be substantial in terms of its extent and would be close to the rear boundary of Old Rectory which fronts Langford Road. There are also new properties opposite the site on the eastern side of Maypole Road. However, the application site boundary is located a significant distance from the rear elevation of the Old Rectory and the dwellings opposite the site and it is suggested that the buildings and vehicular accessways would be set off the site boundary. The site access proposed in the south-eastern corner of the site would be for pedestrians and cyclists only and, therefore, the use of this access would not cause harm to the amenity of existing residents by reason of noise or disturbance. Details of external lighting for the development as a whole could also be required by condition.

- 5.4.3 Based on the above assessment, whilst the proposed development would be visible from a number of existing residential properties, it is considered that, subject to the imposition of conditions, the development would not have a materially adverse impact on the amenity of existing local residents by reason of overlooking, dominance, loss of sunlight, loss of daylight, loss of outlook, visual impact and noise. As a result of the nature of the uses proposed, it is not anticipated that smell or pollution would be identifiable concerns.
- 5.4.4 As part of the previous appeal, the Inspector did not raise any issues in relation to the amenity of existing residents. The development proposed would be no closer to existing residential properties and, therefore, there is no reason for a different view to now be taken.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.5.3 Parking Provision

- 5.5.3.1 In terms of parking provision for vehicles and bicycles, the standards are set out in the adopted Vehicle Parking Standards SPD for Maldon District Council. Those relevant to the proposal are as follows:

Dwellinghouses (Class C3):

- Minimum 1 parking space per dwelling; 1 space / 1 bed; 2 space / 2-3 bed; 3 space / 4+ bed; visitor parking - 1 per 4 dwellings; 1 per 2 dwellings where car parking is allocated;
- Off street parking: at least 1 home charging point per dwellinh;
- Cycle parking: none if garages provided; otherwise, 1 / dwelling (one bed); 2 / dwelling (2+ beds); + 1 / 8 units (for visitors).

- 5.5.3.2 Given the size of the site and the number of dwellings proposed, whilst the housing mix is not known at this stage, it is anticipated that the site could be developed as proposed and comply with the adopted parking standards.

5.5.4 Highway Safety and Access

- 5.5.4.1 Essex County Council (ECC) Highways has not commented on the proposal. However, in the absence of any objection, there is no reason for Officers to conclude that the proposed means of access to the site or the off-site works / measures proposed would be unacceptable subject to the applicant entering into a Section 106 Agreement (if necessary) and the imposition of conditions if planning permission were to be granted.

5.6 Quality of Life for the Occupiers of the Proposed Residential Units

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.6.2 A Noise Impact Assessment has been submitted but the Specialist – Environmental Health has not commented on the application. The Assessment concludes that acceptable noise levels could be provided but this would require those properties which would front the new relief road and Maypole Road to have double glazing and keeping windows closed (trickle vents would be installed) and 1.8m high screening of external amenity space.
- 5.6.3 Given the size of the site and the number of dwellings proposed, whilst the housing mix is not known at this stage, it is anticipated that the site could be developed as proposed and comply with the minimum private amenity space standards referred to above and with properties of sufficient size including back-to-back distances which would provide an adequate quality of life for the occupiers.

5.7 Flood Risk and Drainage

- 5.7.1 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the Environment Agency (EA). Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.7.2 The application site is located within Flood Zone 1 (low probability). However, due to the site area being more than 1ha, a Flood Risk Assessment (FRA) has been submitted as part of the application. A Surface Water Drainage Strategy, including Surface Water (Overland Flow) Flood Modelling Report, LLFA SuDs Proforma, SuDs Management Strategy and Preliminary Foul Drainage and Utilities Assessment have also been submitted. As part of the FRA, it is recommended that finished floor levels are constructed 300mm above the fluvial and surface water flood levels.
- 5.7.3 With regards to surface water flood risk, the EA's flood map shows that the majority of the site is at 'very low' risk but there are two areas at 'low' risk of surface water flooding in the centre and along the western boundary of the site, and an area of 'high' risk in the southwestern corner of the site. However, the dwellings could all be located outside the areas at risk of surface water flooding and mitigation measures and residual risk are considered in the FRA. The FRA also concludes that pluvial flood risk is low-moderate and that other flood risk is very low (tidal, sewers and artificial sources) or low (groundwater, reservoirs).
- 5.7.4 A consultation response from the EA is awaited but ECC SuDS Team and Anglian Water Services raise no objections subject to the imposition of conditions. In the absence of any objections having been received and based on the documents submitted as part of the application, no objections to the proposal are raised in relation to flood risk or drainage, subject to the imposition of conditions and a review at the reserved matters application stage.

- 5.7.5 It is considered that the development could be designed to not be at risk of flooding or increase the risk of flooding elsewhere and foul drainage can be accommodated satisfactorily.

5.8 Nature Conservation

- 5.8.1 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.
- 5.8.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.8.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.8.4 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.5 The development has the potential to impact on both on-site and off-site nature conservation interests.
- 5.8.6 An Ecological Appraisal including a badger survey, a Bat Survey Report, a Report to Inform a Habitat Regulation Assessment (HRA), a Biodiversity Net Gain Assessment and an Essex Biodiversity Validation Checklist have been submitted. It has been calculated that the development could result in a 57.56% net biodiversity gain in habitat units and a 17.32% improvement in hedgerow units. The Ecological Appraisal and Bat Survey Report conclude that any adverse impact of the development could be mitigated and enhancement measures are recommended. The existence of a badger sett within the site has been identified but this would be retained and mitigation measures are proposed within the Appraisal submitted.
- 5.8.7 ECC Ecology has not commented on the proposal but, based on the information available, it is considered that, subject to the imposition of a condition requiring mitigation and enhancement measures, the development would not have an adverse impact on the site's ecological interests.
- 5.8.8 With respect to off-site impacts, Natural England (NE) have advised that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of

strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a HRA to secure any necessary mitigation and record this decision within the planning documentation.

- 5.8.9 The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.
- 5.8.10 NE anticipate that, in the context of the Local Planning Authorities' (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.11 NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.12 A report to inform the HRA has been submitted as part of the application.
- 5.8.13 As the proposal is for less than 100 houses (or equivalent), NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £156.76 per dwelling.
- 5.8.14 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZOI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment – as a competent authority, the LPA concludes that the project will have a likely significant effect on the sensitive interest features of

the European designated sites without mitigation and that, therefore, a financial contribution is necessary, in this case.

- 5.8.15 The applicant has agreed to enter into a S106 Agreement to secure a financial contribution towards RAMS which would adequately mitigate the impact of the development.
- 5.8.16 On the basis of the above, it is considered that the development would not have a materially adverse impact on nature conservation interests (either on- or off-site) subject to the imposition of conditions and the satisfactory completion of an Section 106 Agreement to secure a financial contribution towards RAMS.

5.9 Other Material Considerations

- 5.9.1 Archaeology: ECC Archaeology has advised that the site is within an area of archaeological potential. Therefore, if planning permission were to be granted it would be necessary to impose conditions as recommended by ECC Archaeology (Policy D3).
- 5.9.2 Loss of agricultural land: the Agricultural Land Classification (ALC) survey submitted indicates that the Site is Grade 3a, and therefore falls into the category of Best or Most Versatile (BMV) land. However, the applicant's agent considers that the loss of this agricultural land is acceptable as much of the NHGS is Grade 2 / 3a. It is also stated that the site is privately owned and is currently leased for a nominal rent to a local tenant farmer (the lease is reviewed annually and can be terminated by the landowner at any time) whose farming activities extend to over 300ha. Within this context, they suggest the site amounts to an insignificant, 2-3% of the farmer's land holding and the development would not result in any severance of an agricultural unit and/or any adverse economic impact to an agricultural unit. On this basis, no objection is raised to the development proposed in relation to the loss of BMV land (Policy D2).
- 5.9.3 Contaminated Land: a Phase 1 Environmental Report has been submitted which recommends that soil sampling is undertaken (to confirm the quality and nature of the shallow soil within the area of the former watercourse which bisected the site north-south) which could be required by condition if planning permission were to be granted. The Specialist – Environmental Health has not commented on the development, but it is anticipated that this matter could be adequately dealt with through the imposition of conditions if planning permission were to be granted (Policy D2).

5.10 Planning Balance

- 5.10.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.10.2 The main benefits of the proposal are considered to be as follows:
- Social benefits of providing market and affordable homes
 - Economic benefits from the construction and occupation phases of the development
 - Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.10.3 However, the development would be located within the rural area and within part of the NHGS identified for public open space and would cause harm to the character and appearance of the rural area. It is considered that the benefits do not outweigh the harm the development would cause.

5.10.4 This conclusion aligns with those reached by the Inspector as part of the previous appeal which were as follows:

The Planning and Heritage Balance and Conclusion

21. *The appeal scheme would bring about some benefits associated with it, as set out by the appellants; these include supporting construction jobs, the new homes bonus, the additional spending by new residents, provision of additional homes some of which would be affordable, publicly accessible open land, new planting, a surface water drainage storage and enhanced biodiversity and I confirm that I have considered these in determining the appeal. I have also taken account of the provisions contained within the S106 Agreement.*
22. *Set against the proposal, I have concluded that, in accordance with the NPPF, the Council can demonstrate a suitable supply of housing land and whilst this is not to be seen as an upper limit, it has implications for the policy context for determining the appeal. For the reasons set out, I find that the proposal is contrary to the provisions of the LDP, in relation to Policies S1, S2, S3 and S4 and I find that the benefits of the proposal are insufficient to outweigh this conflict and the harm arising.*
23. *In relation to paragraph 196 of the NPPF, although I have identified harm, it is only of a minor nature and in respect of this harm only I consider that the public benefits arising would be sufficient to outweigh it. This in itself is insufficient to alter my conclusion set out above*
24. *As a result of my findings, the appeal is dismissed.*

5.10.5 Therefore, it is considered that the development proposed would not be sustainable, and, as a result, be unacceptable. It is recommended below that planning permission is refused.

6. ANY RELEVANT SITE HISTORY

- **15/01152/OUT** - Construction of up to 45 dwellings, together with associated garaging, parking, public open space, landscaping, access, highways drainage and infrastructure works. Appeal dismissed 29.08.2018.

S2(d) North of Heybridge

- **15/00419/OUT** Part outline/part hybrid for mixed used development: residential development of up to 1,138 dwellings, residential care, neighbourhood uses including retail, commercial and community uses, primary school and early years, a relief road between Broad Street and Langford Road and associated amenity space, landscaping, parking, servicing, utilities. Appeal allowed 25.10.2019.
- **21/00384/RES** Reserved matters for the 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) entrance green, (c) spine road, (d) green corridors, strategic open space and levels (including Local Equipped Area of Play) (e) acoustic bund, together with details of a network of pedestrian and cycle routes in relation to Phase 1. Approved 08.10.2021.

- **21/00752/RES** Reserved matters for the access, appearance, landscaping, layout and scale for the construction of 160 residential units with associated access, parking, servicing and landscaping (Phase 1 only). Approved 12.04.2022.
- **21/00961/RES** Reserved matters for the access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4. Approved 10.03.2022.
- **22/00523/RESM** Reserved matters for the access, appearance, landscaping, layout and scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only). Approved 05.12.2022.
- **22/00289/RESM** Reserved matters for the access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phases 3, 4 and 5 comprising: (i) the green corridors, open space, and attenuation features, (ii) formal play areas, (iii) the section of the spine road which connects to both the spine road previously approved under reserved matters of phase 1 and 2 and to the relief road, (iv), the internal road to serve Phase 9, allotments and playing field, (v) pedestrian and cycle links, (vi) the location. Approved 17.02.23.

S2(e) Land to the north of Holloway Road

- **OUT/MAL/14/00990** Outline planning application with all matters reserved other than access for a residential development of up to 100 dwellings, with associated public open space and infrastructure. Approved 27.04.2017.
- **RES/MAL/17/00712** Reserved matters application for the approval of appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00990 (84 dwellings approved). Approved 25.09.2017.

S2(f) West of Broad Street Green Road

- **FUL/MAL/15/00885** Development for 145 residential dwellings with associated landscaping, open space, access, parking and ancillary infrastructure including pumping station. Approved 15.05.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No response.	
Langford & Ulting Parish Council	The parish council considered the latest application for this site and previous application. Since the previous application, the Langford and Ulting Neighbourhood Plan has been made and reflects the opposition to this size development in the location. They would like to re state the previous comments made - The proposals are contrary to the North Heybridge Garden Suburb Strategic Masterplan where this area is designated as green infrastructure.	Noted – the application site is adjacent to but outside the area covered by the Langford & Ulting Neighbourhood Plan. The other matters are covered above.

Name of Parish / Town Council	Comment	Officer Response
	Policy S3 of the emerging LDP states that "planning consent for development within the Garden Suburbs will only be granted by the Council if the proposals are in accordance with the Masterplan. The area of built up development would encroach into the rural countryside and is outside any settlement boundary. Development on this site is not allowed for in the flood alleviation scheme associated with the North Heybridge Garden Suburb. The development would adversely affect the setting of Langford Old Rectory (Grade II Listed) and its associated listed stables. On consultation for the additional plans as received the Parish Council re-iterate their original objection and recommend the refusal of planning permission.	
Great Totham Parish Council	No comment.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No response.	Refer to section 5.5 of report.
Environment Agency	No response.	Refer to section 5.7 of report.
Natural England	No objection in relation to European Designated Sites subject to securing appropriate mitigation for recreational pressure impact on habitat sites (European Sites) and the Council satisfactorily completing the HRA process.	Noted – refer to section 5.8 of report.
ECC SuDS Team	<p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, no objections subject to the imposition of conditions relating to:</p> <ul style="list-style-type: none"> • surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development • scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution 	Noted – refer to section 5.7 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> • a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies • yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. <p>Advisory comments are also made.</p>	
Anglian Water Services	<p>Section 1 - Assets Affected - their records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>Section 2 - Wastewater Treatment - the foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>Section 3 - Used Water Network - based on the following submitted documents: Flood Risk Assessment - Flood Risk Assessment & Surface Water Drainage Strategy - Part 1 - Redacted, Flood Risk Assessment - Flood Risk Assessment & Surface Water Drainage Strategy - Part 2 - Redacted, Flood Risk Assessment - Flood Risk Assessment & Surface Water Drainage Strategy - Part 3 – Redacted, due to a lack of information, they are unable to make an informed assessment. The applicant has not identified a connection point into the public network. Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. They will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. They therefore request a condition requiring an on-site drainage strategy. A condition is recommended to require details of a scheme for on-site foul water drainage works, including connection point and discharge rate. Informatives are also provided.</p> <p>Section 4 - Surface Water Disposal - the</p>	Noted – refer to section 5.7 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.</p>	
Essex and Suffolk Water	No response.	
ECC Archaeology	<p>The Essex Historic Environment Record (EHER) shows that the proposed development is sited in an area of known archaeological potential. The applicant has submitted a Heritage Statement; however, Appendix 1 with the Geophysical Survey is missing from the report. There is a cropmark of a small ring-ditch (EHER 8865) in the northern half of the development area, as well as an undated linear feature. The cropmark is apparently not visible on the geophysics (this survey has not been submitted), but this is not proof that there are no surviving archaeological remains. Extensive excavation to south on the Elms Farm and Crescent Road sites has recorded significant multi-period archaeological remains, including late Iron Age, Roman and Saxon settlement. To the north and west recent archaeological fieldwork on the large Land North of Heybridge site (Westcombe) has identified multi-period settlement and agricultural activity, included Iron Age farmsteads, a large Bronze Age settlement and prehistoric field-ditches and waterholes. Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.</p>	<p>Noted – refer to section 5.9 of report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
NHS Property Services	<p>The proposed development is likely to have an impact on the services of the existing Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.</p> <p>The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The ICS would therefore expect these impacts to be fully assessed and mitigated. The planning statement submitted in support of this application does not assess the impact of the development on healthcare capacity. Draft heads of terms for a S106 agreement are included in the planning statement. Healthcare capacity is not mentioned but the statement does say that any other obligations that are raised through the consultation process will be considered. The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 108 new residents and subsequently increase demand upon existing constrained services. The primary healthcare services directly impacted by the proposed development and the current capacity position are Blackwater Medical Centre (combined) and Longfield Medical Centre (combined). The capacity of primary healthcare facility in the area of the proposed development is already below the recognised standards of provision for the existing population. Additional population growth in the area resulting from new development would add to the deficit and so would be unsustainable if unmitigated. The capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £22,300. A financial contribution is requested of £22,300. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services.</p>	Noted – refer to section 5.2 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Education	<p>As the unit size and mix has not been advised, it has been assumed they will all be houses of 2 or more bedrooms. A development of this size can be expected to generate the need for up to 4.05 Early Years and Childcare (EY&C) places; 13.50 Primary School places, and 9 Secondary School places. A developer contribution of £69,935 index linked to Q1-2020, is sought to mitigate its impact on local Early Years & Childcare provision. A developer contribution of £233,118 index linked to Q1-2020, is sought to mitigate its impact on local Primary School provision. A developer contribution of £213,975 index linked to Q1-2020, is sought to mitigate its impact on local Secondary School provision. A contribution toward Post16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions (Revised 2020), an Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities. No School Transport contribution is required at this time. However, the developer should ensure that safe direct walking and cycling routes to local Primary and Secondary Schools are available. A developer contribution of £3,501 is considered necessary to improve, enhance and extend the library facilities and services provided.</p> <p>A Monitoring Fee will be charged at a rate of £550 per obligation (financial and otherwise). On large developments the Monitoring Fee will be calculated using a bespoke approach. ECC supports Maldon Council in securing obligations which will support employment and skills in the district. ECC supports Maldon Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. ECC encourages Maldon Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.</p>	<p>Noted – refer to section 5.2 of report. An Employment and Skills Plan could be required by condition if planning permission were to be granted.</p>
Essex Police	Provides advisory comments applicable to the	Noted.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Designing Out Crime	matters reserved as part of the current application.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Strategic Housing Services	<p>Policy H1 of Maldon District Council's Approved Local Development Plan 2014-2029 identifies a 40% Affordable Housing requirement which equates to 18 Affordable Homes. The Maldon District Council Local Housing Needs Assessment 2021 identifies a tenure mix of 75% Affordable/Social Rented and 25% Intermediate Affordable Housing and a breakdown of sizes of Market and Affordable units. Also stipulated in this document is -</p> <p>"The Council should consider requiring all dwellings in all tenures to meet the M4(2) standards as a starting point - which are similar to the Lifetime Homes Standards - and at least 10% of homes meeting Part M4(3) - wheelchair user dwellings (with a higher percentage for affordable housing)." and with regards to sizes of units. The Affordable units would need to be developed to Nationally Designed Space Standards. The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England. The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement. The Council has always sought to seek on-site contribution towards affordable housing as per policy H1. This does not preclude the possibility of this not always being viable, but it does require evidence to justify where it is not possible. The Applicant should have in place and be able to submit if required a financial appraisal that illustrates this to be the case (as a benchmark for any subsequent changes). Should the Applicant then seek to reduce the level of affordable housing because of financial viability, they should first engage with the Council to see if it is possible to protect the original % of affordable through use of grant. The Applicant has advised that the scheme will</p>	Noted – refer to section 5.2 of report.

Name of Internal Consultee	Comment	Officer Response
	deliver the required 40% Affordable Housing provision and will therefore be Policy compliant (Policy H1). Strategic Housing Services fully supports this Application which is providing the required percentage of Affordable Housing. Housing Services would welcome further discussion with the Applicant as part of the Planning Application/Permission process should the Outline Application be successful with regards to the sizes, tenure and location of the Affordable units that will meet the housing needs of residents of the district.	
Specialist – Environmental Health	No response.	Refer to sections 5.4, 5.6 and 5.9 of report.
ECC Ecology	No response.	Refer to section 5.8 of report.
Tree Consultant	No response.	Refer to section 5.3 of report.
Strategy Team	No response.	
Specialist – Heritage and Conservation	The proposed development has the potential to affect the setting of The Old Rectory, an historic property to the south of the application site, which was designated a grade II listed building in 1971. There is a grade II listed stable block within the grounds of The Old Rectory, which would not be affected by the development due to absence of inter visibility between this building and the proposed development. The Old Rectory is a substantial timber-framed and rendered house dating primarily from the 18th century. A section of old formerly external render, which has been fossilised within the attic space of a later addition, bears the date 1768 picked out in pargetted decoration (the list description records this date erroneously as 1763). Key architectural features of the house include a classical ‘Gibbs’ front door surround, several Georgian sash windows, internal doors, archways, fireplaces and a very fine staircase. The staircase is illuminated by a contemporary Venetian sash window on the north elevation of the house which retains some of its original crown glass. The significance of the listed building derives mainly from its history as the rectory to the parish of Langford, the age of its fabric, the architectural quality of its form and features, its good state of preservation, its relationship with the separately listed historic stables in its grounds and its relationship with	Noted – refer to section 5.3 of report

Name of Internal Consultee	Comment	Officer Response
	<p>its immediate and wider landscape setting. Historically, The Old Rectory fell within the parish of Langford. In the 1990s the parish boundary between Langford and Heybridge was redrawn to the effect that The Old Rectory now falls within the parish of Heybridge. Prior to this reconfiguration, the boundary between the parishes of Langford and Heybridge aligned with Maypole Road, to the east of The Old Rectory and the application site. The application site is a field to the north and east of The Old Rectory. Historic maps show that the site was two fields until the 20th century, when the hedgerow which divided them was removed. Apart from the conversion from two fields into one, the boundaries of the application site appear unchanged since their earliest known depiction on the 1839 Tithe Map. The Old Rectory stands in relatively substantial grounds which are now surrounded by quite mature trees along the boundary, which largely screen it from public view. There remains, however, some limited inter-visibility, particularly in the winter months, between the application site, The Old Rectory and its grounds through and between breaks in the tree coverage. The suburban expansion of Heybridge throughout the course of the 20th century has meant that The Old Rectory no longer enjoys the open views that it once did to the south. But the undeveloped nature of the application site to the north of the listed house does currently provide a vestige of tranquillity to the asset's wider context. While The Old Rectory was never a farmhouse, there is a historical connection between the listed building and the application site. At the time of the 1839 tithe survey of Langford, the application site and several of the fields further north were glebe land, that is to say land assigned to support the living of the parish priest. The wider setting of The Old Rectory has been and will continue to be subject to further change over the next few years with the implementation of the North Heybridge Garden Suburb Masterplan. This will see the expansion of Heybridge with housing concentrated on land between Maypole Road and Broad Street Green. A new relief road is being built on land to the north of the application site, and this road will be visible from the upper windows of The Old Rectory. The glossary to the NPPF defines setting as the surroundings in which a heritage asset is</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>experienced. The immediate setting of The Old Rectory corresponds with the generous grounds of the listed building. The application site has some limited value in its contribution to the significance of the listed building due to the historic association and as part of its wider rural and tranquil surroundings. The proposal would cause a degree of harm to the setting and significance of The Old Rectory. The views from the northern upper-floor windows of listed building, including through crown glass of the fine 18th-century Venetian window, would no longer be of an open arable field but would include the roofs of a suburban housing development. This would constitute an erosion of the established rural setting. However, it must be acknowledged that this view will change with the creation of the new relief road to the north. A similar scheme for 45 houses was considered at appeal in 2018. While the appeal was dismissed and the inspector acknowledged there would be 'less-than-substantial harm' to the setting of The Old Rectory, he judged the heritage harm to be minor in magnitude and would be outweighed by the public benefits of the proposal. The indicative layout of the proposed development differs from the appeal scheme, in that the houses are concentrated to the north of the application site, but the impact on the listed building's setting would be very similar. This proposal will cause 'less than substantial harm' to the significance of The Old Rectory as a grade II listed building. The degree of harm would minor. It should be noted that the inspector for the 2018 appeal scheme concluded the public benefits of the housing proposal would outweigh the minor degree of less than substantial harm. For the reasons outlined above, and taking into account the 2018 appeal decision, no objection raised on heritage grounds.</p>	

7.4 Representations received from Interested Parties

7.4.1 **Two** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Existing issues with flooding from surface water following heavy rains which has resulted in further localised flooding.	Noted – refer to section 5.7 of report.
Adverse impact on ecology.	Noted – refer to section 5.8 of report.
Concerns regarding infrastructure – roads totally inadequate, there are no secondary school places or open doctors lists. Object to further building on green space and, if approved, would open the doors to hundreds more houses, taking away a whole village in the process.	Noted – refer to sections 5.2 and 5.5 of report.
<p>This application is in clear breach of policy S4 of the LDP which states that master plans for the garden suburb will incorporate increased and enhanced green infrastructure and that several additional principles should apply including forming a defensible northern and western boundary to reduce the potential for future coalescence with neighbouring villages. This boundary includes the area between the new relief road and Maypole and Langford Roads which should only be used for green infrastructure, agriculture, flood alleviation and/or landscape measures.</p> <p>Whether the council can or cannot demonstrate a 5 year land supply, the fact that this land was specifically reserved for the above purpose in conjunction with over 1100 homes being developed means that retaining the land for this purpose is critical to the integrity of the planning system. The site plans include errors including showing significant parts of boundary hedging which belongs to the adjacent property.</p>	Noted – refer to section 5.2 of report.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposal would undermine the aim identified within Policy S4 of the Local Development Plan and the North Heybridge Strategic Masterplan Framework for this site to form part of the rural setting at the edge of the Garden Suburb and Maypole Road being the logical and 'defensible' edge of the housing area. The development, as a result of its nature, extent and location, would harm the character of the site and its rural surrounding, visually intruding into the countryside. The proposed development would, therefore, be contrary to

Policies S1, S2, S3, S4, S8, D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.

- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites. The development is, therefore, contrary to Policies N1, N2, D1, D2 and I1 of the approved Maldon District Local Development Plan and the NPPF.
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing the following necessary planning obligations:
 - A financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites,
 - A financial contribution towards the provision of education,
 - A financial contribution towards the provision of medical services,
 - Management/maintenance of the public open space and
 - Affordable housing provision

the development would have an adverse impact on those European designated nature conservation sites, would not adequately provide for the educational and medical needs of the future residents of the site, would not ensure that the public open space proposed was appropriately managed and maintained and would not meet the affordable housing needs of the District. The development is, therefore, contrary to Policies S1, H1, N1, N2, D1, D2, T1, T2, I1 and I2 of the approved Maldon District Local Development Plan and the NPPF.