

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

CHIEF EXECUTIVE
Doug Wilkinson
19 November 2024

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on **WEDNESDAY 27 NOVEMBER 2024** 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 complete 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

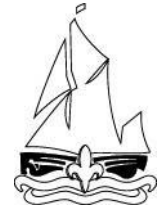


Chief Executive

COMMITTEE MEMBERSHIP:

CHAIRPERSON:	Councillor M E Thompson	
VICE-CHAIRPERSON	Councillor N D Spenceley	
COUNCILLORS	M G Bassenger	S J N Morgan
	V J Bell	C P Morley
	D O Bown	M G Neall
	S J Burwood	R G Pratt
	J Driver	N G F Shaughnessy
	M F L Durham, CC	R H Siddall
	T Fittock	U G C Siddall-Norman
	A S Fluker	P L Spenceley
	L J Haywood	W Stamp, CC
	J C Hughes	E L Stephens
	K Jennings	J C Stilts
	K M H Lagan	N J Swindle
	A M Lay	S White
	W J Laybourn	L L Wiffen
	N R Miller	





AGENDA
DISTRICT PLANNING COMMITTEE
WEDNESDAY 27 NOVEMBER 2024

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the District Planning Committee held on 4 September 2024 (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. **24/00393/FUL - Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex, CM9 8FJ** (Pages 21 - 30)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

6. **24/00569/FUL - Land at Broad Street Green Road and Langford Road and Maypole Road, Great Totham** (Pages 31 - 56)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

7. **24/00587/RESM - Land at Broad Street Green Road and Langford Road and Maypole Road, Great Totham** (Pages 57 - 82)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

8. **24/00672/FUL Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex** (Pages 83 - 108)

To consider the report of the Assistant Director: Planning and Implementation, (copy enclosed, Members' Update to be circulated)*.

9. **Any other items of business that the Chairperson 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. 5-8.
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

We do not have any fire alarm testing scheduled for this meeting. In the event of a fire, a siren will sound. Please use either of the two marked fire escape routes. Once out of the building please proceed to the designated muster point located on the grass verge by the police station entrance. Please gather there and await further instruction. If you feel you may need assistance to evacuate the building, please make a member of Maldon District Council staff aware.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber.

Closed-Circuit Televisions (CCTV)

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

Lift

Please be aware, there is not currently lift access to the Council Chamber.

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)
- Great Totham Neighbourhood Development Plan (2022)
- Langford and Ulting Neighbourhood Development Plan (2022)

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
- The Levelling-up and Regeneration Act 2023

Supplementary Planning Guidance and Other Advice

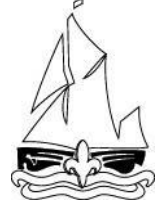
- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) - 2023
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015

Supplementary Planning Guidance and Other Advice (continued)

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

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

This page is intentionally left blank



**MINUTES of
DISTRICT PLANNING COMMITTEE
4 SEPTEMBER 2024**

PRESENT

Chairperson	Councillor M E Thompson
Councillors	M G Bassenger, V J Bell, S J Burwood, J Driver, A Fittock, A S Fluker, K Jennings, K M H Lagan, A M Lay, S J N Morgan, C P Morley, M G Neall, R G Pratt, N G F Shaughnessy, R H Siddall, U C G Siddall-Norman, P L Spenceley, W Stamp, CC, E L Stephens, J C Stilts, N J Swindle and L L Wiffen

259. CHAIRPERSON'S NOTICES

The Chairperson apologised for the late start of the meeting due to technical difficulties and welcomed everyone to the meeting. She then went through some general housekeeping arrangements for the meeting, making specific reference to the constitutional brake clause recently agreed by the Council and how this would work should Members be minded not to agree with the Officers' recommendations.

260. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B O Bown, M F L Durham CC, L J Haywood, J C Hughes, W J Laybourn, N R Miller, N D Spenceley and S White.

261. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the District Planning Committee held on 24 April 2024 be received.

Councillor S J N Morgan advised that he was in attendance at this meeting, although this had not been recorded, however Councillor C P Morley had given apologies but was shown in attendance.

Minute 715 – Disclosure of Interest

Councillor M G Neall advised that in respect of this Minute his surname was incorrectly spelt.

The above amendments were noted and the Chairperson confirmed they would be corrected.

RESOLVED

- (ii) That subject to the above amendments the Minutes of the District Planning Committee held on 24 April 2024 be confirmed.

262. DISCLOSURE OF INTEREST

Councillor W Stamp declared a pecuniary interest in Agenda Item 5 - 24/00244/FULM Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex, advising that having taken advice she was making this declaration because she lived opposite the site. There was then some discussion regarding the advice Councillor Stamp had received with reference to differing guidance having been previously circulated.

Councillor Stamp then left the chamber for the following item of business.

263. 24/00244/FULM LAND SOUTH OF BRENT WAY AND OFF OF ENDEAVOUR WAY, BURNHAM-ON-CROUCH, ESSEX

Application Number	24/00244/FULM
Location	Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex
Proposal	Construction of 63 dwellings (Use Class C3), and associated works, including informal and formal open space; vehicular, pedestrian and cyclist infrastructure; car and cycle parking; sustainable urban drainage; and infrastructure.
Applicant	Barratt David Wilson Homes (Eastern Counties)
Agent	Lanpro Services Ltd
Target Decision Date	27.09.24 (EoT)
Case Officer	Lisa Page
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

It was noted that a Members' Update had been circulated prior to the meeting and this advised of:

- an amended plan number
- a consultation response from Natural England
- clarification on the market and affordable housing mix, and discussion of compliance with Local Housing Needs Assessment
- implications of the housing mix to the 'planning balance'

Following the Officers' presentation, the Applicant, Mr Ray Houghton addressed the Committee.

Councillor A S Fluker commented on the application and then proposed that the application be approved as per Officers recommendation. This proposal was duly seconded.

Following some debate, the Chairperson moved the proposal in the name of Councillor Fluker and this was duly agreed.

RESOLVED that this 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 planning obligations and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

<ul style="list-style-type: none"> • H8769-2A-SP-001 Rev I • H8769-2A-SP-002 Rev B • H8769-2A-SP-003 Rev D • H8769-2A-SP-004 Rev D • H8769-2A-SP-005 Rev D • H8769-2A-SP-006 Rev E • H8769-2A-SP-007 Rev E • H8769-2A-SP-008 Rev F • H8769-2A-SP-009 Rev D • H8769-2A-SP-010 Rev D • H8769-2A-SP-011 Rev C • P286-AE-GS-001 • P286-AE-FP-001 • P286-AE-GS-002 • P286-AE-FP-002 • P382-AE-GE-001 • P382-AE-FP-001 • P382-AE-GE-002 • P382-AE-FP-002 • DWB3_5-BE-GS-001 • DWB3_5-BE-RE-001 • DWB3_5-BF-FP-001 • P341-HD-GD-001 • P341-HD-GD-002 • P341-HD-RE-001 • P341-HD-RE-002 • P341-HD-FP-001 • P341-HD-FP-002 • H312-BD-HD-002 • H312-BD-FP-002 • H403-ID-GD-001 • H403-ID-GD-002 • H403-ID-RE-001 • H403-ID-FP-001 • H403-ID-FP-002 • H456-AD-GD-002 • H456-AD-RE-001 	<ul style="list-style-type: none"> • H456-AD-FP-001 • H456-AD-FP-002 • H469-HD-HD-002 • H469-HD-RE-001 • H469-HD-RE-002 • H469-HD-FP-001 • H469-HD-FP-002 • H588-HN-RE-001 • H588-HN-FP-001 • N2D8/9-2A-HD-001 • N2D8/9-2A-HD-002 • N2D8/9-2A-FP-001 • N2D8/9-2A-FP-002 • Z113-2A-HD-001 • Z113-2A-HD-002 • Z113-2A-FP-001 REV A • Z113-2A-FP-002 • N2D1-2A-HE-001 • N2D1-2A-HE-002 • N2D1-2A-FP-001 • N2D1-2A-FP-002 • N2D1-2A-HE-002 (As) • N2D1-2A-FP-002 (As) • N2D3-2A-HE-001 • N2D3-2A-HE-002 • N2D3-2A-FP-001 • N2D3-2A-FP-002 • N2D5-2A-GD-001 • N2D5-2A-GD-002 • N2D5-2A-FP-001 • N2D5-2A-FP-002 • 22007-08 Rev C • 22007-09 Rev C • 22007-10 Rev C • 22007-11 Rev C • 22007-12 Rev C • 22007-13 Rev C
---	--
3. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
4. No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals; and levels of adjoining buildings and their gardens;

- Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

5. Within the first available planting season following the first occupation of the development, the hard and soft landscaping works as shown on the approved plans shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is 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 at the same place, unless the Local Planning Authority gives its written consent to any variation.
6. The hard landscaping works, including boundary treatments, as shown on the approved plans, shall be carried out prior to the first occupation of the development hereby approved, and shall thereafter be retained as such.
7. No development shall commence until the tree protection measures as set out in the Arboricultural Impact Assessment, March 2024 have been fully implemented, and an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
 - Limiting the discharge from the site to the predetermined rate (as the site is part of a wider site).
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

9. No development 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.
10. Prior to first 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.
11. 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.
12. 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.
13. Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, the site or part of the site shall be reassessed and a scheme to bring the site to suitable condition shall be submitted to and approved in writing by the local planning authority within three months of the identification of the contamination or hazard. A "suitable condition" means one that is acceptable in

terms of human health, the water environment and ecosystems and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

14. 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 Plan shall include the following:
- Safe access in / out of the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The storage of top soil
 - Wheel and underbody washing facilities
 - Construction signage and traffic management
 - Measures to control the emission of dust, dirt and mud during construction
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
 - Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

15. The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
16. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
17. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Condition 16 and confirmed by the Local Authority archaeological advisors.
18. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
19. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.
20. The applicant will submit to the local planning authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

21. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (CSA Environmental Ltd, June 2024). 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.
 - 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.

22. Prior to the first occupation of the development hereby permitted, on site measures to avoid impacts from the development alone from recreation disturbance to the Crouch and Roach Estuaries SPA and Ramsar site and Essex Estuaries SAC shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the of the onsite measures will be in line with the approved Habitats Regulations Assessment and shall include the following:
- a) Purpose and conservation objectives for the proposed measures;
 - b) Detailed designs of the interpretation board and leaflets;
 - c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
 - d) Locations of proposed interpretation boards and dog waste bins by appropriate maps and plans; and
 - e) Details of initial aftercare and long-term maintenance.

The measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

23. Prior to any works above slab level, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. This must include enhancements for reptile, 17 no. bat boxes, 17 no. bird nesting boxes and hedgehog friendly fencing, in line with the Ecological Impact Assessment (CSA Environmental Ltd, June 2024). 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) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans

- h) Details of the body or organisation responsible for implementation of the plan.
- i) 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 shall be implemented in accordance with the approved details.

- 24. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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.

- 25. Prior to the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP), in line with the approved Biodiversity Gain Plan, must be submitted to the Local Planning Authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:
 - a) A management and monitoring plan for onsite significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the Local Planning Authority at the specified intervals.

- 26. Prior to any above ground commencement on plots 2-11 inclusive, 59 and 63, the design and construction of these specific units, including details of additional alternative means of ventilation which allows the internal guideline noise levels in Table 4 of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' to be achieved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 27. The dwellings which are not provided with garaging shall be provided with the approved cycle storage unit, prior to the first occupation of each unit.

Councillor W Stamp returned to the chamber at this point.

264. 24/00366/FULM LAND SOUTH WEST OF THE WARREN, HACKMANS LANE, PURLEIGH, ESSEX

Application Number	24/00366/FULM
Location	Land South West Of The Warren, Hackmans Lane, Purleigh, Essex
Proposal	Proposed Solar Farm together with sub-station, ancillary buildings, structures, landscaping, emergency lighting and access
Applicant	Anglo Renewables Limited
Agent	Harris Lamb Limited
Target Decision Date	EoT 11.09.24
Case Officer	Lisa Page
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Proposal is a 'development of strategic interest' as defined under the Scheme of Delegation

Following the Officers' presentation, an Objector, Mrs Warr and the applicant, Mr Duncan Howie addressed the Committee.

A lengthy debate ensued, during which Officers provided Members with further clarification in respect of:

- details of the distance between the proposed parcels and neighbouring properties along with the impact assessment in respect of glint and glare from the solar panels.
- assessment of the fire risk and the proposed condition which would require submission of a management plan.
- the proposed management of the Public Right of Way during the construction phase of the development.
- the assessment of the solar panels and there being no adverse impact on health and wellbeing.

Councillor R H Siddall commented on the application and then proposed that it be approved. This proposal was duly seconded.

Following further discussion and in accordance with Procedure Rule No. 13 (3) Councillor A S Fluker requested a recorded vote. This was duly seconded.

The Chairperson then moved the proposal in the name of Councillor Siddall and the voting was as follows:

For the recommendation:

Councillors M G Bassenger, S J Burwood, J Driver, A Fittock, K Jennings, K M H Lagan, A M Lay, S J N Morgan, C P Morley, R G Pratt, N G F Shaughnessy, R H Siddall, U G C Siddall-Norman, P L Spenceley, W Stamp, E L Stephens, J C Stilts, N J Swindle and M E Thomson.

Against the recommendation:

Councillor A S Fluker,

Abstention:

Councillors V J Bell, M G Neall and L L Wiffen.

The Chairperson declared that the application was therefore approved.

RESOLVED that this 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 in accordance with the following approved plans:
 - ISD_001.301.00
 - ISD_001.300.13
 - 24045.101 REV C
 - ISD_001.307.00 REV 01
 - ISD_001.306.00 REV 01
 - ISD_001.305.00 REV 01
 - ISD_001.304.00 REV 01
 - ISD_001.303.00 REV 01
 - ISD_001.302.02
- 3 The soft landscape works shall be carried out in accordance with plan 24045.101 Rev C. Prior to any works above ground level occurring at the application site, the following shall be submitted to and approved in writing by the Local Planning Authority:
 - 1) 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.
 - 2) Details of the aftercare, monitoring 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 first operation 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.
 - 3) **Hard landscape works:** Details of hard surfacing, with materials finishing and edgings. 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 The fences as shown on the approved plan numbers ISD_001.307.00 and ISD_001.300.13 shall be constructed prior to the first use of the development to which it relates and shall be retained as such thereafter.
- 5 If use of the hereby approved development should cease for the purposes of energy generation for a concurrent period exceeding six months or more, all the equipment and structures hereby approved shall be removed from the land and the site reinstated to its former condition. In any case, the Panels, associated structures, and infrastructure shall be removed at the latest by the 31 December 2068. Prior to the removal of any panels and equipment a scheme (to include timescales) for the reinstatement of the site to agricultural land alongside any retained ecological habitat areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall be reinstated in accordance with the approved details.

- 6 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.
- 7 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.
- 8 Prior to the commencement of the development, including any ground works or demolition, a detailed Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The detail within the CTMP shall include:
- a. Details of any other scheduled development and associated construction traffic in the area during the construction programme;
 - b. Details of the expected traffic levels during the construction period and operational periods of the Development, including numbers of expected HGVs, LGVs, minibuses, cars and their likely distribution across the construction and operational phases of the development;
 - c. Detailed final proposed construction traffic routing plan for construction vehicles which, where necessary, shall coordinate traffic with cumulative development identified within an approved Phasing Strategy);
 - d. Full details of temporary traffic management / banksmen control / mitigation / delivery timing restrictions required in connection with the construction traffic routing and any co-ordination between nearby planned development;
 - e. On-site parking and turning arrangements;
 - f. Loading and unloading of plant and materials;
 - g. Storage of plant and materials used in constructing the development;
 - h. Wheel and underbody cleaning facilities for vehicles;
 - i. Construction signage and traffic management;
 - j. Details for the protection and convenience of users on the Public Right of Way network;
 - k. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - l. Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
 - m. Contact details for Site Manager and details of publication of such details to local residents.

Thereafter the Construction Traffic Management Plan shall be fully adhered to throughout the construction period, unless otherwise agreed in writing with the Local Planning Authority.

- 9 Prior to the commencement of development, including any ground works or demolition, a detailed phasing strategy shall be submitted to and approved in writing by the Local Planning Authority. The phasing strategy shall specify

details of the construction programme and any overlaps that have been identified with other consented major developments likely to give rise to significant levels of construction traffic on the local highway network. Should any overlaps in construction programme be identified then the phasing strategy shall also specify any alternative construction management measures that will be put in place to manage conflicts that may arise during the period of overlap in construction programme(s). The development shall thereafter be carried out in accordance with the approved phasing strategy.

- 10 Prior to commencement of the development, details of the access arrangements at Crows Lane (including required visibility splays and surfacing improvements to ensure the road is capable of accommodating a vehicle of 18 tonnes) required to facilitate access for Construction Traffic, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be fully carried out prior to its first use in relation to works relating to the site clearance, construction or otherwise.
- 11 No development shall take place, including any ground works or demolition, until a detailed Route Mitigation Plan based on the principles contained in the Construction Traffic Management Plan, has been submitted to, and approved in writing by the Local Planning Authority, and any required permissions, Traffic Regulation Orders and licences have been applied for. The approved Route Mitigation Plan shall be implemented and adhered to throughout the construction period, unless otherwise agreed in writing with the Local Planning Authority.
- 12 Prior to the commencement of the development an inspection of the route to be used by construction vehicles in connection with the development shall be carried out, including all interactions with Public Footpaths no.7 & 14 Woodham Ferrers & Bicknacre and no.7 Purleigh, the scope and methodology of which shall be agreed in advance with the Local Planning Authority in consultation with the Local Highway Authority and include appropriate evidence. The route should then be inspected during construction, at intervals to be agreed by the Local Planning Authority as part of the scope and methodology above, with any damage arising from construction traffic being dealt with expediently. On completion of the development any damage to the highway and footpaths resulting from construction traffic movements generated by the application site shall be identified in a remediation plan, submitted to and agreed in writing by the Local Planning Authority, and should be repaired within 3 months of initial detection to an acceptable standard and at no cost to the Local Highway Authority.
- 13 No works shall take place until a scheme to provide an enforceable and robust soil, grass, and/or land management plan to keep land in good condition has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.
- 14 No development shall commence until information 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 as follows:
- Tree protection plan
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The 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.
- 15 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment Ref PFE-BWB-ZZ-XX-RP-YE-0001_FRA dated March 2024, by BWB Consulting.
- The mitigation measures proposed in the above document shall be fully implemented prior to first use and subsequently in accordance with the timing / phasing 2 arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- 16 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.
- 17 Prior to the first operation of the development 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. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
- 18 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.
- 19 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Harris Lamb, April 2024). 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.
- 20 Any works which will impact the breeding / resting place of Great Crested Newt, 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) 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
 - c) 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.
- 21 All mitigation measures and/or works for the Skylark shall be carried out in accordance with the details contained in the Skylark Mitigation Scheme (Harris Lamb Ltd, November 2023), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- The two skylark plots shall be implemented on a yearly rotational for the lifetime of the solar farm.
- 22 Prior to the commencement of 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 precautionary method statements for reptiles and Brown Hare.
- 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 Prior to any works above ground level 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 operation and shall be retained in that manner thereafter.

- 24 Prior to the first operation of the development hereby approved a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. 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.

- 25 Prior to first operation of the development hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the 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.

- 26 The Solar Panels hereby approved shall be of an anti-glare design.
27 Prior to the first use of the development hereby approved, a Management Plan in relate to fire and rescue matters, shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate the facility would be operated safely.
28 Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing.

The content of the Habitat Management and Monitoring Plan should include the following: a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

There being no other items of business the Chairperson closed the meeting at 9.19 pm.

M E THOMPSON
CHAIRPERSON



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

Application Number	24/00393/FUL Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
Location	Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
Proposal	Erection of building for a mixed use as a contractor's depot, pigeon club and groundskeeper store; change of use of land to contractors yard with external storage of plant, equipment and vehicles and other associated parking provision (retrospective). Addition of wooden cladding to existing boundary treatment.
Applicant	Heybridge Swifts football club
Agent	Mr Ian Coward - Collins & Coward
Target Decision Date	03.12.24 (EoT)
Case Officer	Lisa Page
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

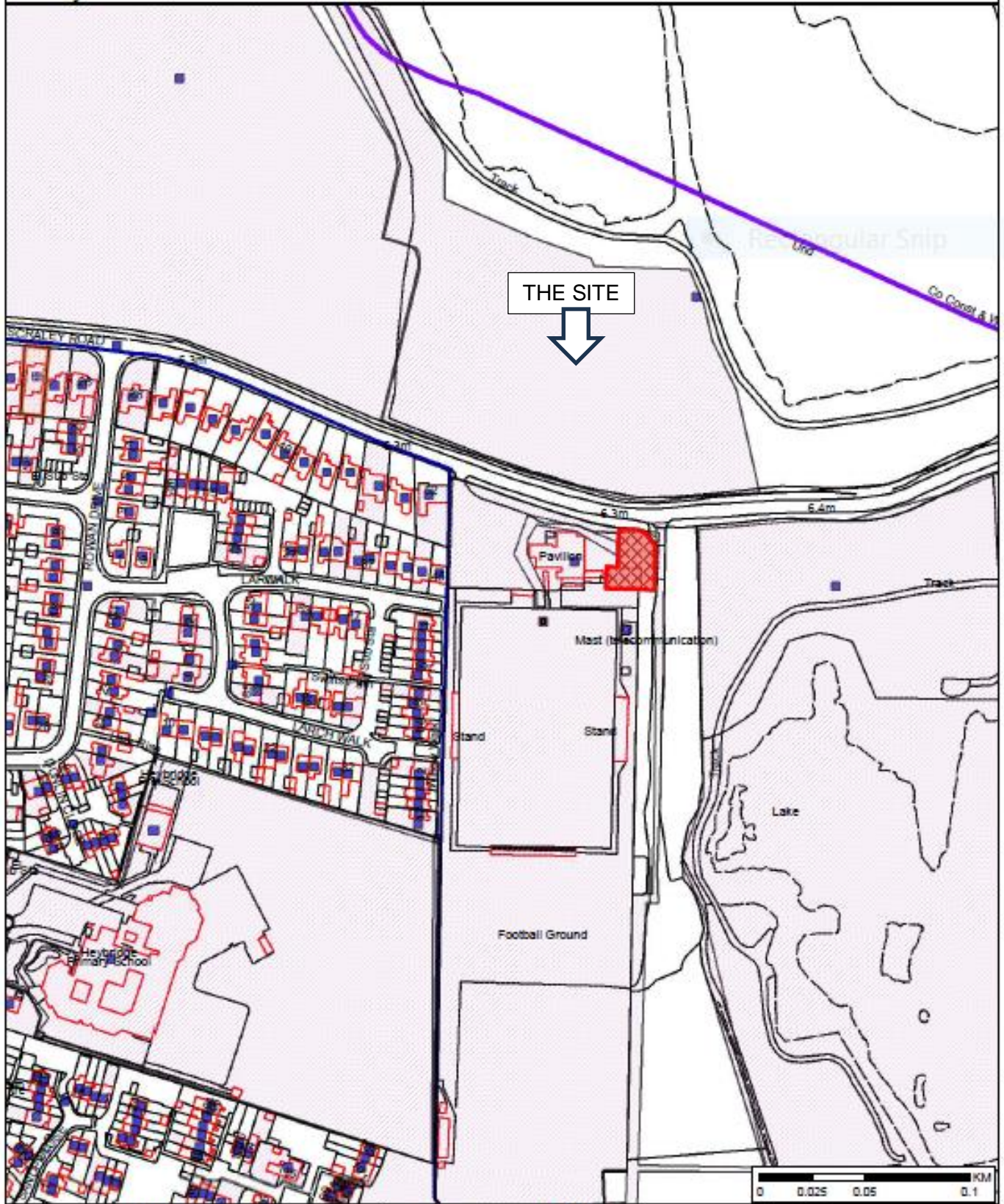
1. **RECOMMENDATION**


APPROVE planning permission subject to the conditions as detailed in Section 9 of this report.

2. **SITE MAP**

Please see below.

Heybridge Swifts Football Club
Scraley Road



 <p>MALDON DISTRICT COUNCIL</p>	<p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	<p>Scale: 1:2,500</p>
	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: 24/00393/FUL</p>	<p>Date: 21/10/2024</p>
	<p>MSA Number: 100018588</p>	<p>www.maldon.gov.uk</p>
	<p>www.maldon.gov.uk</p>	
	<p>MSA Number: 100018588</p>	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is located to the north-east of Heybridge and forms part of the Heybridge Swifts Football Club. It is located adjacent to, but outside of the settlement boundary, and is designated as a strategic growth area via Policy S2 (h) of the Local Development Plan (LDP).
- 3.1.2 The site fronts onto Scraley Road to the north; an access track to the east (which provides access to informal 'overflow parking' and grass football pitches); the main football pitch / stadium and facilities to the south; with parking for the football club to the west.
- 3.1.3 The site lies outside of the Conservation Area and is within Flood Zone 1 as identified in the Environment Agency's (EA's) Flood Map and therefore has a low probability of flooding from rivers and the sea.

Description of proposal

- 3.1.4 The application seeks retrospective planning permission for a portal-frame green coloured metal-clad building on site, which measures 15 by 8 metres with a ridge height of 4.5 metres.
- 3.1.5 The building is divided with the majority utilised as a contractors yard (understood to be occupied by 'Maldon Structural' which have an element of B8 use and ancillary Class E) with external storage of plant, equipment and vehicles. The building also includes a local pigeon club, and a groundskeeper store relating to the football club.
- 3.1.6 The contractors yard use obtain access from the corner of the site onto Scraley Road, whereas the local pigeon club and the groundskeeper's store is accessed via the football club. No allocated parking is assigned for these later uses.
- 3.1.7 Permission is also sought for cladding to be applied to the existing boundary.

3.2 Conclusion

- 3.2.1 Part of the application site is located within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council has reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's Five-Year Housing Land Supply (5YHLS) calculation for some time. The Council's Policy Section has confirmed that there is no intention to carry forward the allocation into the emerging Local Plan. Therefore, whilst the development is contrary to the Development Plan, the principle of development is supported.
- 3.2.2 The application would support an existing local business, within a sustainable location, and would meet with Policy E1 of the LDP and the aspirations of the National Planning Policy Framework (NPPF) to support economic growth. In addition, the provision of the groundskeeper store would support the existing football club to which positive weight is assigned.

- 3.2.3 The layout and design of the building is appropriate to the site context, and subject to conditions regarding the hours of use and extent of external storage, there would be no harm to the character and appearance of the locality. The proposed alterations to the existing boundary treatment would be an improvement in terms of visual amenity.
- 3.2.4 There would be no unacceptable harm to neighbouring amenity.
- 3.2.5 In terms of highways matters, the application would not be detrimental to highway safety, capacity or efficiency and is acceptable from a highway and transportation perspective.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 Having considered the benefits that would arise from the proposal and weighed this against the harm arising from the conflict with the residential strategic allocation within the LDP, it is considered that the benefits of the development would outweigh any harm. These benefits would amount to material considerations that would indicate that planning permission could be granted not in accordance with the Development Plan, and thus, it is recommended that planning permission be granted subject to the imposition of conditions as set out.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (2023) including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (2017)

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside

- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- H1 Affordable Housing
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)

5. **MAIN CONSIDERATIONS**

5.1 Principle of Development

- 5.1.1 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 require that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the approved Maldon District LDP.
- 5.1.2 The site falls within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council has reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's 5YHLS calculation for some time. The Council's Policy Section has confirmed that there is no intention to carry forward the allocation into the emerging Local Plan.
- 5.1.3 The development would result in economic benefits, wherein accordance with Policy E1 of the LDP, employment generating developments and investment is supported. Although the site is outside of the settlement boundary for Heybridge, the site is a sustainable location in compliance with the policy requirements. In addition, there is policy support within the NPPF which at Paragraph 85 states that '*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. The development would support an existing established business in accordance with the above aspirations of the NPPF.

5.1.4 In addition, the provision of the groundskeeper store would support the existing football club. The NPPF seeks to protect existing sport and recreation facilities and to create new provisions where appropriate, and thus this element is also supported.

5.1.5 Overall, whilst the proposal is contrary to the Development Plan (given its location on the allocated residential site), for the reasons as set out above, the principle of development is supported.

5.2 Layout, design and impact on the character and appearance of the area

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

5.2.2 The application seeks retrospective planning permission for a portal-frame green coloured metal-clad building on site, which measures 15 by 8 metres with a ridge height of 4.5 metres. Due to its size, scale, siting, design and choice of materials, it would read appropriately with the existing built form on the wider football club site. In addition, it would not appear unduly prominent within this edge of settlement site.

5.2.3 In terms of the proposed changes to the means of enclosure, this would include the cladding of the existing poor-quality 'hoarding', with interwoven timber panels on top of a gravel board. This would be appropriate to the site context and would result in an improvement in terms of visual amenity.

5.3 Impact on Neighbouring Residential Amenity

5.3.1 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). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.

5.3.2 The site is located a distance of around 75 metres from the nearest residential properties to the west. Given this distance, the intervening clubhouse buildings, and the relatively small scale of the development, the uses within the building and outside operations would not result in adverse impacts to neighbours from outlook, noise disturbance of similar. The traffic associated with the development would not result in adverse impacts to neighbours.

5.3.3 The development is retrospective and there have been no complaints regarding the existing use, nor any objections from local residents to the planning application.

5.3.4 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

5.4 Access, Parking and Highway Safety

5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP (2017) 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.

- 5.4.2 The Highway Authority has assessed the application and conclude that from a highway and transportation perspective, the impact of the proposal is acceptable with no detrimental impact to highway safety, capacity or efficiency.
- 5.4.3 In terms of parking provision, Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards 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.
- 5.4.4 Visitors in relation to the pigeon club would utilise the parking provision within the main football club carpark. This follows the same approach to the earlier pigeon club which utilised the former structure on site. The use is understood to be low-key with limited attendance, and thus the use of the main carpark would not result in on street parking pressures in the locality. The groundskeeper use does not generate additional parking and remains ancillary to the main football club use.
- 5.4.5 In relation to parking for the contractor's yard use, the access would be via the north-eastern corner of the site. Although the site is limited in size, the level of visitors (which does not include visiting members of the public) is also limited and there is space for vehicles to park within the site compound. A condition is imposed to require the submission of details for parking and loading/unloading, which would ensure that there remains adequate parking for the use.
- 5.4.6 Based on the above, it is anticipated that the development would not cause harm in relation to highway capacity or highway safety. The proposal is therefore considered to accord with Policies D1 and T2 of the LDP.

5.5 Flooding and Drainage

- 5.4.7 The application site is located within Flood Zone 1 on the Environment Agency (EA) Flood Map and therefore has a low probability of flooding. Matters in relation to flood risk would not be a constraint to development.

5.6 Impact on Ecology, Biodiversity and Landscaping

- 5.4.8 The application is retrospective with the entirety of the site a sealed surface. As such there would be no implications for ecology.
- 5.4.9 In terms of Biodiversity Net Gain (BNG), as the application is retrospective it falls within one of the exemptions to mandatory BNG.
- 5.4.10 The application site is devoid of existing landscape and there is no soft landscaping proposed. Given the nature and scale of the development there is no requirement for such landscaping to be secured. As set out above, the proposed changes to the means of enclosure would be an improvement in terms of visual amenity.

6. CONCLUSION

- 6.1.1 Part of the application site is located within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which

plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council have reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's 5YHLS calculation for some time. The Council's Policy Section have confirmed that there is no intention to carry forward the allocation into the emerging Local Plan. Therefore, whilst the development is contrary to the Development Plan, the principle of development is supported.

- 6.1.2 The application would support an existing local business, within a sustainable location, and would meet with Policy E1 of the LDP and the aspirations of the NPPF to support economic growth. In addition, the provision of the groundskeeper store would support the existing football club to which positive weight is assigned.
- 6.1.3 The layout and design of the building is appropriate to the site context, and subject to conditions regarding the hours of use and extent of external storage, there would be no harm to the character and appearance of the locality. The proposed alterations to the existing boundary treatment would be an improvement in terms of visual amenity.
- 6.1.4 There would be no unacceptable harm to neighbouring amenity.
- 6.1.5 In terms of highways matters, the application would not be detrimental to highway safety, capacity or efficiency and is acceptable from a highway and transportation perspective.
- 6.1.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 6.1.7 Having considered the benefits that would arise from the proposal and weighed this against the harm arising from the conflict with the residential strategic allocation within the LDP, it is considered that the benefits of the development would outweigh any harm. These benefits would amount to material considerations that would indicate that planning permission could be granted not in accordance with the Development Plan, and thus, it is recommended that planning permission be granted subject to the imposition of conditions as set out.

7. ANY RELEVANT SITE HISTORY

- 7.1 There is no relevant planning history.

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Support the application subject to any required noise impact assessment being satisfactory.	Addressed within Section 5.3 of the Report.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Advise that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions.	Addressed within Section 5.4 of the report.

8.3 Internal Consultees (summarised)

8.3.1 None relevant.

8.4 Representations received from Interested Parties

8.4.1 There has been two third party letter of representation raising the following comments:

Support Comment	Officer Response
The area identified in this application was used as a dumping ground for pitch cuttings and car park scrapings, with rusty storage shed for pitch maintenance equipment and dilapidated wooden sheds. The developments undertaken have improved the space and compliment the recent renovations taken at the football club.	Noted, addressed in Section 5.2 of this Report.

Comments neither supporting nor objecting	Officer Response
Question parking provision for the pigeon club. Comment that if on road, together with match day parking, would result in vehicles blocking junctions and footpaths, with restricted access for emergency vehicles. Note that Scraley Road is national speed limit with no footpath, and so vehicles parked along the verge necessitate pedestrians having to walk in the centre of the carriageway.	Noted, addressed in Section 5.4 of this Report.

9. PROPOSED CONDITIONS

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

- 3741.02 REV B
- 3741.04 B
- 3741.05

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

2. The contractors yard element of the scheme hereby permitted, shall be restricted to the following hours of use: -

Monday to Friday - 7am till 7pm

Saturday - 7am till 1pm

Sundays and Bank Holiday – closed.

REASON: In the interests of the amenity of the locality and in accordance with Policy D1 of the Maldon Local Development Plan 2017.

3. The height of the external storage shall not exceed 1.8 metres in height, including the height of any racking unit.
REASON: In the interests of the amenity of the locality and in accordance with Policy D1 of the Maldon Local Development Plan 2017.
4. Within 2 months of the date of this decision, a site plan showing the layout of the external storage areas and detailed parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plan.
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policy T2 of the Maldon Local Development Plan 2017.



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

Application Number	24/00569/FUL
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham
Proposal	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.
Applicant	LNT Care Developments Limited
Agent	N/A
Target Decision Date	13.12.24 (EoT)
Case Officer	Lisa Page
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

1. RECOMMENDATION

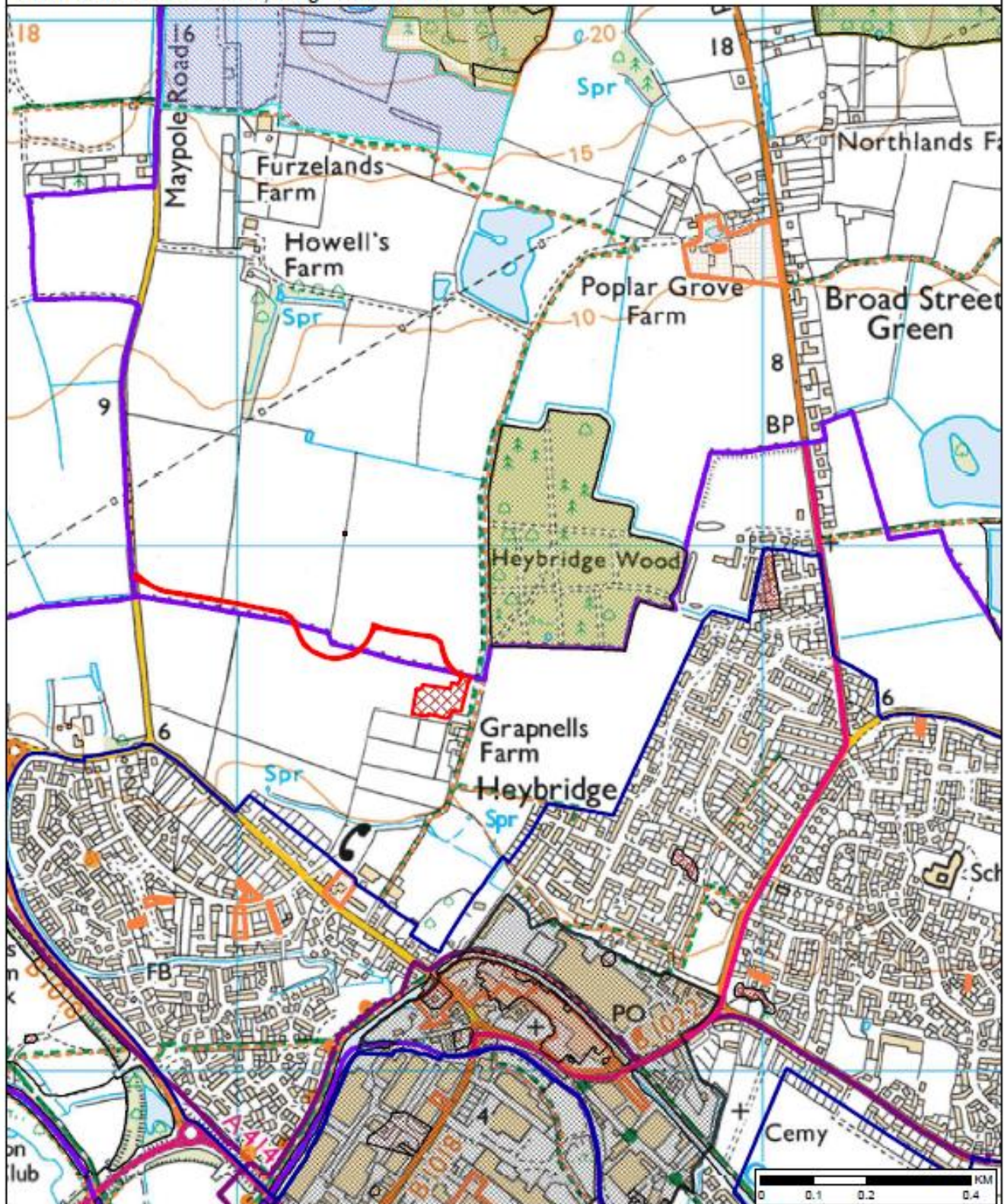
APPROVE planning permission subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and subject to the conditions as detailed in Section 9 of this report.

2. SITE MAP

Please see below.

24/00569/FUL

Land at Broad Street Green, Langford Road and



Copyright

For reference purposes only.
No further copies may be made.
This map is reproduced from Ordnance Survey
material with the permission of Ordnance Survey on
behalf of the Controller of Her Majesty's Stationary
Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Comments: Maypole Road, Great Totham

Date: 05/11/2024

MSA Number: 100018588

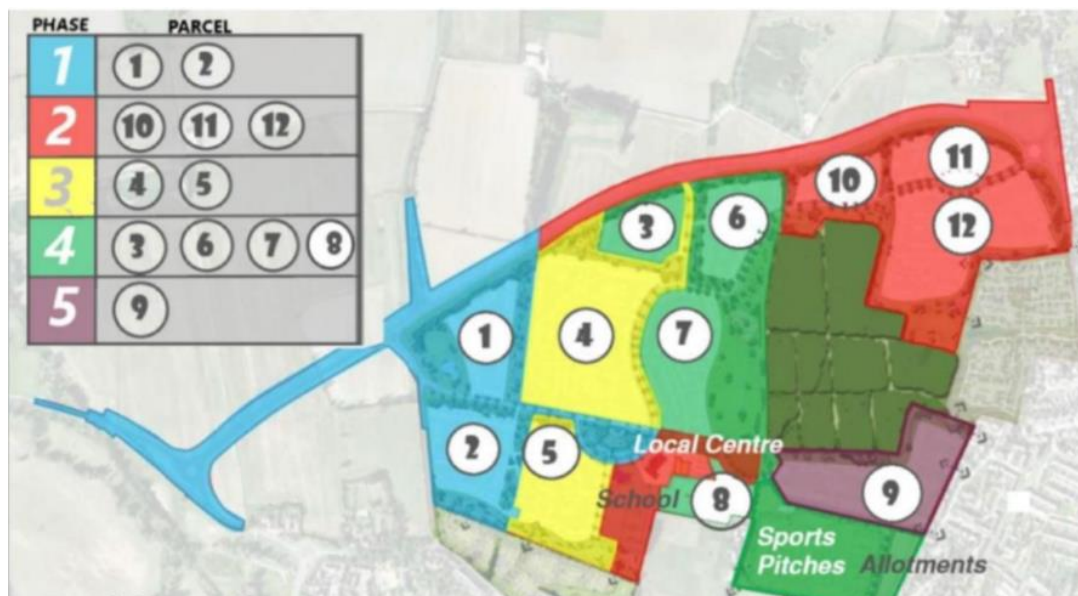
3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information.

Site description

3.1.1 The application site extends to 0.5 hectares, and is located within parcel 8, located to the southern edge of the overall North Heybridge Garden Suburb (NHGS), now named 'Westcombe Park'. The northern boundary of the site is formed by the main spine road that runs through the site, beyond which residential development is being built out (parcel 7). To the east is open space and the land allocated for sports provision. To the south, beyond an established hedgerow boundary lies an area of open land in agricultural / equestrian use, with a cluster of residential dwellings accessed via Wood Lane. To the west is land allocated for the school provision.

3.1.2 The images below set out the phases of development and parcel numbers and demonstrates how the site fits in with the surrounding development.



3.1.3 The hybrid mixed-use development at the North Heybridge Garden Suburb was granted permission at appeal on 25 October 2019 under reference 15/00419/OUT for 'Part outline/part detailed (hybrid) application for mixed use development including:

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

3.1.4 The current proposal relates to the residential care uses anticipated to be delivered under the hybrid application. The consented hybrid application allows for a care home within Westcombe Park and the parameters plan allows for flexibility of locations of different uses between parcels. The applicant sets out that Parcel 8 has been chosen as the most appropriate location for the care home due to the proximity of amenities such as the health centre and shops which will allow for multipurpose trips.

Description of proposal

3.1.5 It is proposed to erect a purpose-built, three storey, sixty-six bed residential care facility for older people (the proposed three storey scale exceeds the agreed height parameters of 2.5 storey heights set out within the outline application and therefore the application is submitted as a full detailed application rather than a reserved matters).

3.1.6 The building would provide 66no. private en-suite bedrooms, developed in a configuration which enables the care home to provide for two types of care – general residential and residential dementia. Its plan layout and internal arrangement allows the home to be split into separate care requirements based on demand.

3.1.7 The care home would also provide a large open reception area, assisted bathrooms, a hair salon, cinema room, library, 'sky bar', café, lounges and dining rooms. There would also be associated kitchen, laundry, and storage rooms, together with staff rooms. Externally, residents would benefit from enclosed private amenity space, formally laid out with patio areas, pathways, seating and planting.

3.1.8 It is anticipated that some 50 - 60 jobs would be created working to a rotational shift pattern of employment, however, only up to a maximum of 24 members of staff would

be present on site at any one time, due to the shift pattern and staggered shift changes that would occur.

- 3.1.9 A singular vehicular access point would be taken at the northern boundary of the site from the main road through the 'Westcombe Park' site. This access point would only serve only the care home and the assisted living building (to be delivered via a separate planning application).
- 3.1.10 Across the site, 25 car parking spaces would be provided, including two as accessible spaces, and six with EV (Electric Vehicle) charging facilities. A drop off area and ambulance parking area is also located towards the main reception area. Covered cycle storage for eight bicycles, would be proposed close to the main reception.

3.2 Conclusion

- 3.2.1 The site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The principle of the development of this site for this use has been accepted within the hybrid application (15/00419/OUT).
- 3.2.2 The layout of the development would be acceptable and would relate well to other developments being built out on the 'Westcombe Park' site. Whilst the scale of the building exceeds that set out within the parameter plans on the outline permission (the building is three storeys rather than 2.5 storeys), the overall height would not be excessive nor result in an unduly prominent building. The detailed design and materials would be appropriate to the context of the site, and the proposed landscaping which includes formal native hedgerow and new trees, would assist in the development assimilating into the wider site. Overall, it would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 3.2.3 The proposal would deliver 66no. en-suite bedrooms fully compliant with the National Care Standards Act 2000, with well laid out and generous internal communal and recreational spaces. Externally, residents would benefit from well laid out and landscaped amenity areas.
- 3.2.4 Given the scale of development, its siting within the 'plot', together with the retained and proposed landscaping, there would be no unacceptable impacts to neighbouring amenity.
- 3.2.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective (note the access would not be adopted). Adequate vehicle parking would be provided for staff, future occupiers and visitors (with EV charging provision). Covered cycle storage would be provided to encourage sustainable patterns of travel for staff and visitors.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 On the basis of the above, this application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted 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 planning obligations and subject to the conditions as detailed in Section 9 of this report.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (2023) including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (2017)

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- North Heybridge Garden Suburb Strategic Masterplan Framework (SMF)
- North Heybridge Garden Suburb Strategic Design Code (SDC)

4.4 **Necessary associated Infrastructure Improvement required**

A draft list of Heads of Terms for a Section 106 Agreement includes the following:

- NHS (National Health Service) of £13,600

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1 of this report. The current proposal relates to the residential care uses anticipated to be delivered under the hybrid application. The consented hybrid application allows for a care home within Westcombe Park and the parameters plan allows for flexibility of locations of different uses between parcels. The applicant sets out that Parcel 8 has been chosen as the most appropriate location for the care home due to the proximity of amenities such as the health centre and shops which will allow for multipurpose trips.

5.1.2 As already set out above, the application is submitted as a FULL application rather than a reserved matters application. This is because the building is proposed at 3 storey scale and exceeds the agreed height parameters of 2.5 storeys set out within the outline application.

5.1.3 However, the granting of 15/00419/OUT has established the principle of the development, and in summary, for the aforementioned reasons, no objection is raised to the principle of this carehome development within this parcel of the approved development within the North Heybridge Garden Suburb.

5.2 **Layout, design and impact on the character and appearance of the area**

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

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that: "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect

of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.4 The Council envisaged that the North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The Garden Suburb site is subject to a Strategic Masterplan Framework (SMF) and Design Code (SDC) which have both been endorsed by the Council as material considerations for Development Management purposes. A number of parameter plans were also approved as part of the hybrid planning application. Although this application is submitted as a FULL application, the Land Use Parameter Plan, the Density Parameter Plan and the Building Heights Parameter Plan are relevant to the consideration of this application.
- 5.2.5 As noted above, the application is submitted as a FULL detailed application rather than a reserved matters application, as the proposed building is three storeys in height and exceeds the height parameters of 2.5 storey secured within the outline permission. It is understood that the slight increase in height is due to the operational requirements of the carehome, to enable all bedrooms to be the same size and so that the communal areas on the top floor are not compromised.
- 5.2.6 The overall height of the proposed three storey building (designed as a flat roof) would be approximately 10.75 metres to the central parapet, which would not appear much higher than the maximum 2.5 storey heights of buildings permitted within the outline permission for development within parcel 8. Officers are content that the proposed care home would sit comfortably within its surroundings and consider that the overall scale and mass of the care home would relate to that anticipated to be developed as part of the neighbourhood centre building(s) and the assisted living building, which are also to be delivered within this parcel. Its siting, inset from the wider site boundaries of Westcombe Park, would ensure that the building would not appear unduly dominant from outside of the site.
- 5.2.7 The proposed care home is designed with materials to include brick and cladding to offer detail and articulation to the elevations. These materials are in keeping with the locality and assist in the building assimilating well into its surroundings. The nature of the carehome use results in a window pattern that exhibits some level of repetition, but the glass and recessed nature of the windows (window details are to be secured via condition), together with the materials, add visual interest to the elevations and ensures that the building would be well designed. The main roof is proposed to be flat with a single ply membrane (in dark grey) with solar PV panels mounted on top, increasing the sustainability credentials of the development, but which would be hidden from ground level by the parapet.
- 5.2.8 The main entrance is situated at the front of the care home, facing into the car park and vehicle and pedestrian access into the site. The reception and café would be a welcoming space for residents and visitors and would provide natural surveillance, along with the main office, for people entering and leaving the site. The layout of the parking relates well to the proposed building and, together with the visitors' cycle storage, would be overlooked by the office and reception, increasing security as well as being practical and convenient in terms of the day to day operation of the carehome.

5.2.9 The layout of the development also notes that a landscaped setting is an important aspect of the external environment of a care home as well as for the Garden Suburb setting. The proposed landscaping scheme includes formal native hedgerow and new trees across the site which would be appropriate to the character of the area and would assist in the development assimilating into the wider site.

5.2.10 Overall, the development would be in accordance with the Strategic Masterplan Framework and the Strategic Design Code. The development would also follow the good design principles set out in the Maldon District design SPD. Overall, the proposal is of a layout, scale, design and appearance that would result in a high quality development and would be appropriate for this section of the North Heybridge Garden Suburb.

5.3 Heritage

5.3.1 The site lies outside of a Conservation Area and there are no nearby Listed Buildings to be impacted. The development remains acceptable in terms of these matters. The other consideration in relation to heritage relates to archaeology. Policy S6 requires a comprehensive and detailed archaeological assessment to be undertaken prior to development, and for development to preserve and enhance the quality of the archaeology of the location. Policy D6 requires that where development might affect archaeology, an assessment from an appropriate specialist must be carried out to identify the likely impact on known or potential heritage assets.

5.3.2 The County Senior Historic Environment Officer has reviewed the application and advise that the area of the proposed development has been previously archaeologically evaluated, and no further archaeological fieldwork is required. Considerations in relation to archaeology are therefore acceptable.

5.4 Impact on Future Occupiers Amenity

5.4.1 In terms of amenity for future occupiers, the care home has been designed to meet the provision of the Care Standards Act (the last relevant legislation which stipulated room sizes). All bedrooms would be a minimum of 12m² (excluding en-suites). With the exception of 1 of the ground floor bedrooms (which faces out towards the entrance of the building), all the other ground floor rooms would be provided with doors from the bedroom opening out onto the enclosed landscaped amenity areas.

5.4.2 The building includes a number of facilities such as hair salon, café, 'sky bar' and library in addition to the communal lounges and dining areas. The internal layout allows the lounges to be a central focal point within the care home with doors leading to the outside space to encourage full use of the landscaped gardens. This arrangement is designed to provide a continuation of the indoor and outdoor amenity areas to support residents' independent movement through the carehome, promoting wellbeing and contributing to the character of the home. The internal layout would provide high quality amenity for residents.

5.4.3 As noted above, a landscaped setting is an important aspect of the external environment of a care home and can make a significant contribution to the overall quality of the living environment for future residents. In this respect, the principal external amenity space for residents would surround much of the building incorporating trees, shrubs, flowerbeds and lawn interspersed with hard landscaping in the form of surfaced pathways for residents' use. The total area of external amenity space amounts to 905m² which equates to a ratio of 13.7m² per resident and is considered sufficient.

5.4.4 Overall, in terms of future residents amenity, the development would deliver a good quality of life with high quality internal and external amenity provision.

5.5 Impact on Neighbouring Residential Amenity

5.5.1 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). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.

5.5.2 The layout of the development would relate well to the other parcels within the Garden Suburb, and whilst the siting of the assisted living building and neighbourhood centre building(s) are not yet approved, the layout would not prejudice the delivery of those other uses.

5.5.3 To the south of the site are existing neighbours. These are located around 50 metres from the building. It is accepted that there would be impacts to neighbours during the construction, from noise disturbance and similar. A condition requiring the submission of a Construction Management Plan (CMP) is imposed, and would control, access and parking, storage of plant and materials including top soil, wheel washing, measures in relation to dust, dirt and mud, a scheme to control noise and vibration including details of any piling operations, and hours of working. The CMP could adequately manage impacts to neighbours during the construction period.

5.5.4 In terms of impacts to neighbours once the development is operational, due to the distance and the siting of these neighbours with the proposed carehome building (the carehome would be sited at an angle from the neighbours and at around 50 metres distance), and together with existing landscaping to the site boundary, with additional landscaping proposed, there would not be an unacceptable impact from overlooking, loss or light or harm to outlook. There would be some impact from traffic movements associated with the development, but not of a level that would be unacceptable.

5.5.5 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

5.6 Access, Parking and Highway Safety

5.6.1 The application is submitted with a Transport Statement and Travel Plan, which sets out existing and proposed site use and access, traffic generation and transport accessibility, in addition to a plan, strategy and timescales for the Travel Plan.

Access

5.6.2 The site is proposed to be accessed via a newly formed estate road leading from the main spine road that runs through 'Westcombe Park'. This access would serve only the care home and the assisted living building (note the Neighbourhood Centre would be served via another access point off the estate road). This access road would be private and not adopted highway. There would be a footpath link from the main spine road which would incorporate pedestrian dropped kerbs together with tactile paving.

Traffic generation

- 5.6.3 In terms of traffic generation the majority would be from staff. Whilst the care home would provide approximately 50-60 jobs in total, the number of staff present on site at any one time would be no more than 24 due to the shift patterns. Between 8-9am it is anticipated that 19 members of staff would arrive, with the largest departure time (for nine members of staff) being at 8pm. The level of traffic movement would be limited and would have a limited impact within the surrounding highways or at nearby junctions.
- 5.6.4 In addition, it is also expected that visitor movements would have no adverse impact on the highway network as there are no restrictions on visiting hours and visitations are sporadic. Furthermore, generally none of the residents have a car due to their age and abilities.
- 5.6.5 In summary on traffic generation, given the proposed staff levels, shift patterns and resulting travel movements identified together with the accessible nature of this site, it is not considered that the proposal will not have any significant traffic impact. In addition, the applicant intends to promote a travel plan which would further assist in reducing traffic movements.

Parking

- 5.6.6 In terms of parking provision, Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards 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.
- 5.6.7 The Vehicle Parking SPD states that for care homes and nursing homes 1 space per residential staff, 1 space per 2 other staff, and 1 space per 3 bedrooms should be provided. It is anticipated that around 50-60 jobs would be created working to a rotational shift pattern of employment, however, only up to a maximum of 24 members of staff would be present on site at any one time, due to the shift pattern and staggered shift changes. On this basis, the development would require a total of 12 spaces for staff and 22 for residents. The application proposes 25 spaces. In assessing the acceptability of this, it is important to note that the standards in the SPD do not differentiate between care homes and assisted living wherein the demand for residents parking spaces is likely to be limited for this development given the level of care undertaken at the site. Overall, the 25 parking spaces (2 of which are accessible spaces, with a further 6 space provided with EV charging facilities) would be acceptable to meet with the parking demands at the site. The site also accommodates drop off and ambulance parking.
- 5.6.8 In terms of cycle parking provision, the site proposes 2 areas of parking for cycles. One is located close to the entrance of the building and would more readily provide cycle parking for visitors (for 8no. cycles), and a store for staff (also for 8no. cycles) would be sited close to the staff service area. This provision would be in line with standards and would assist with encouraging sustainable patterns of travel.

Conclusion

- 5.6.9 The Highway Authority have reviewed the application and raise no objections from a highway transportation perspective, subject to the imposition of conditions for a construction management plan, provision of the pedestrian dropped kerbs and tactile

paving (as set out above), and that the parking provision be provided prior to first use. On this basis, the development would not give rise to adverse impacts in terms of highway capacity or highway safety. In addition, parking and cycle provision is acceptable. The proposal is therefore considered to accord with Policies D1 and T2 of the LDP.

5.7 Flood Risk, Surface Water and Foul 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 has been submitted with flood and drainage details. This has been assessed by the Lead Local Flood Authority (LLFA) who advise that there is no objection subject to the imposition of conditions for; agreement of a detailed surface water drainage scheme for the site based on sustainable drainage principles; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; and details of maintenance. On this basis, the proposal is acceptable in relation to flooding and drainage.

5.8 Impact on Ecology, Biodiversity and Landscaping

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, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.

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.

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. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that 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.

Ecology

5.8.4 The application is submitted with a Preliminary Ecological Appraisal (Thompson Ecology Ltd, May 2024), Reptile Survey (Thompson Ecology Ltd, June 2024) and Reptile Mitigation Strategy (Thompson Ecology Ltd, August 2024), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures. Sufficient ecological information is available for determination of the application, and which provides certainty for the Local Planning Authority (LPA) of the likely impacts on designated sites, protected and Priority species & habitats.

5.8.5 The Preliminary Ecological Appraisal highlights that mitigation measures should be finalised as part of an Ecological Conservation Management Plan (ECMP). This ECMP was secured as part of condition 13 of the outline planning consent. The development falls within the red line boundary of the outline consent and therefore a

similar approach to mitigation and bespoke species enhancements is proposed to ensure continuity across the different phases of the outline scheme, and can be secured via condition.

- 5.8.6 The Reptile Mitigation Strategy sets out an approach to utilise the previously agreed receptor location for the translocation of reptiles, and details a proposal to provide further enhancements (two log piles and 1 hibernacula) to increase the habitat suitability and carrying capacity of the receptor for reptiles. The wider landscape has capacity to support any translocated population and further habitat will become available once the green infrastructure of the outline application has been delivered, and as such this approach is supported. A finalised approach should be set out within the ECMP (or via a CEMP) to be secured as a pre-commencement requirement.
- 5.8.7 The submitted proposed External Lighting Scheme (LNT Construction LTD, May 2024), is supported, however, the ecologist encourages the use of 'warm white' lights to be used at <2700k, rather than 'white' light at 4000k, as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects which may lead in a reduction in prey availability for some light sensitive bat species. This can be secured via condition.

Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.8.8 The application site falls within the Zol for one or more of the European designated sites (The European designated sites within the Maldon District 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 Zol of these sites cover the whole of the Maldon District.
- 5.8.9 Whilst C2 Residential institutions are not excluded from the Essex Coast RAMS, there is a need for these applications to be considered on a case-by-case basis by the LPA on whether the proposals are likely to contribute to increased recreational disturbance at the coastal Habitats sites. Given the level of care proposed within the development, it is unlikely that there will be recreational impacts in combination with other plans and projects. As a result, no further information is required to demonstrate compliance under the Conservation of Habitats and Species Regulations 2017 (as amended) with regard to Habitats sites.

Biodiversity Net Gain (BNG)

- 5.8.10 The outline planning permission predates the introduction of the mandatory requirement for development to deliver a 10% net gain in the biodiversity value of the site. However, because this is a FULL application there is a requirement for the development to provide it. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990.
- 5.8.11 The application has been submitted with a Biodiversity Net Gain Report (Thompson Ecology Ltd, November 2024) which provides sufficient information at application stage. As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric – Calculation Tool, should be submitted prior to commencement as part of the biodiversity gain condition. The development demonstrates satisfactory post-intervention habitat creation (although it is noted that the grassland proposed (Turf: Rowlawn 'Medalion) would not deliver 'Other neutral grassland'. However, it is indicated that off-site net gains would be required to be demonstrated as part of the biodiversity gain condition.

- 5.8.12 As on-site habitat will contain significant on-site enhancements a Habitat Management and Monitoring Plan (HMMP) is required, in addition to a separate HMMP for off-site habitat enhancement or creation, both with the maintenance and monitoring secured for a period of up to 30 years.

Landscape

- 5.8.13 An Arboricultural Survey Report and Arboricultural Impact Assessment (AIA) have been provided in support of this application, alongside a Landscape Masterplan. The AIA sets out that a number of trees are to be removed (including 2no. category B trees - T08 and T09, and 5no. category C trees - T04, T05, T06, T07 and T10, and a single parcel of scrub - G01), due to the siting of the development.
- 5.8.14 The loss of existing trees is regrettable, in particular the loss of the category B trees. Officers have explored with the applicant whether these can be retained within the scheme, however, due to the land level changes being incorporated at the site, it would be unviable for these to be retained. The application includes proposals which includes the planting of 27no. new trees, and whilst there is likely to be a loss of overall canopy cover, especially in the next five years while the new trees are establishing, the approach set out within the Landscape Masterplan does suitably mitigate for the loss of the trees.
- 5.8.15 The wider landscaping proposals include the external amenity space for residents which would surround much of the building and which would include soft landscaping to comprise trees, shrubs, flowerbeds and lawn interspersed with hard landscaping in the form of surfaced pathways for residents' use. Whilst public areas would include tree planting, shrubs and flowering plants to create an attractive setting to the care home development. The approach to landscaping is appropriate for the development and is supported.

6. CONCLUSION

- 6.1 The site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The principle of the development of this site for this use has been accepted within the hybrid application (15/00419/OUT).
- 6.2 The layout of the development would be acceptable and would relate well to other developments being built out on the 'Westcombe Park' site. Whilst the scale of the building exceeds that set out within the parameter plans on the outline permission (the building is 3 storeys rather than 2.5 storeys), the overall height would not be excessive nor result in an unduly prominent building. The detailed design and materials would be appropriate to the context of the site, and the proposed landscaping which includes formal native hedgerow and new trees, would assist in the development assimilating into the wider site. Overall, it would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 6.3 The proposal would deliver 66no. en-suite bedrooms fully compliant with the National Care Standards Act 2000, with well laid out and generous internal communal and recreational spaces. Externally, residents would benefit from well laid out and landscaped amenity areas.

- 6.4 Given the scale of development, its siting within the 'plot', together with the retained and proposed landscaping, there would be no unacceptable impacts to neighbouring amenity.
- 6.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective (note the access would not be adopted). Adequate vehicle parking would be provided for staff, future occupiers and visitors (with EV charging provision). Covered cycle storage would be provided to encourage sustainable patterns of travel for staff and visitors.
- 6.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 6.7 On the basis of the above, this application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted 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 planning obligations and subject to the conditions as detailed in Section 9 of this report.

7. **ANY RELEVANT SITE HISTORY**

7.1 The Relevant Planning History is set out below.

Application Number	Description	Decision
15/00419/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline); (ii) Residential Care for up to 120 beds (Use Class C2) (Outline); (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline); (iv) Primary school and early years childcare facility (Use Class D1c) (Outline); (v) A relief road between Broad Street Green Road and Langford Road (Detailed element); (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).	Refused. Allowed on appeal 25.10.2019
19/00741/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail,	Approved 14.10.2019

Application Number	Description	Decision
	<p>commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline)</p>	
23/00528/NMA	<p>Application for non-material amendment following grant of reserved matters application 21/00384/RES (Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;</p> <p>(a) landscaping for the approved Relief Road,</p> <p>(b) phase 1 entrance green,</p> <p>(c) phase 1 spine road,</p> <p>(d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)</p> <p>(e) acoustic bund for phase 1</p> <p>Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <p>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline.)</p> <p>Amendment sought: To re-align the point of access from the consented spine road into the Primary School site within Phase 1, Westcombe Park, Heybridge, Essex</p>	Approved 22.09.2023

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Object – Comment that the design and 3 storey height is inappropriate for a rural setting. Question the need for an additional facility as understand that plans are already in place for a 120 bed facilities elsewhere on the wider site.	Noted. Addressed within Section 5.1 of the Report.
Heybridge Parish Council	No comments received.	
Langford and Ulting Parish Council	Object – Comment that the mass of the three storey building is of too great within the street scene. Concern raised for the accessibility and safety of residents, and the lack of outside amenity space.	Noted. Addressed within Section 5.2, 5.4 and 5.6 of the Report.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council – Highway Authority	No objections from a highway and transportation perspective subject to the imposition of conditions.	Noted. Highway matters addressed within Section 5.6 of the report.
Essex County Council – Archaeology	No objections. Advise that the area of the proposed development has been previously archaeologically evaluated and no further archaeological fieldwork is therefore required.	Noted. Addressed within Section 5.3 of the report.
Lead Local Flood Authority	No objections subject to conditions.	Noted. Flood matters are addressed in Section 5.7 of the report.
National Health Service (NHS)	Advise that the proposed development is likely to have an impact on the services of the 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. The proposed development would likely 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	Noted. Addressed within Section 4.4 of the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	these impacts to be fully assessed and mitigated. A financial contribution of £13,600.	
Natural England	Advise that there would be no significant adverse impacts on designated sites.	Noted. Addressed within Section 5.8 of the report.
Essex Police Designing Out Crime	Neither object nor support. Advise that to comment further they would require more detail such as the proposed lighting and physical security measures. Welcome the opportunity to advise further to assist the developer to achieve a Secured by Design Homes award.	Noted.
Anglian Water	<p>Comment that the site is within 15 metres of a sewage pumping station. Consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire.</p> <p>The foul drainage from the development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>In regard to the used water network, advise that the sewerage system at present has available capacity for these flows,</p> <p>In relation to surface water disposal advise that the proposed method of surface water discharge does not relate to an Anglian Water owned asset, and thus provide no comments.</p>	Noted. Addressed within Section 5.7 of the report.
Essex Fire and Rescue	Make comments in relation to access (advise that access for fire service purposes is considered satisfactory), Building Regulations, water supplies and sprinklers.	Noted. Fire Service matters will be addressed further at Building Regulation stage.
Essex Police	Outlines Essex Police considerations to development and infrastructure change which forms part of organisations strategic planning consideration. Provides generic key information on policing priorities.	Noted.

8.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Ecology Consultant	No objection subject to conditions.	Addressed within Section 5.8 of the report.
Environmental Health	No objections. Having reviewed the noise assessment and phase 1 geo environmental study have no comments.	Noted.
Tree Officer	<p>Comment that the Tree Retention and Removal Plan shows that the building is outside of the root protection areas of some trees, but note that some trees are being removed to facilitate fencing and car parking. Two prominent (Category B trees) would be removed with insufficient justification has been given for their removal. Further removal of category C trees is reasonable, given their size, condition and amenity value.</p> <p>Proposals have been submitted for new landscaping within the development, with 27 new trees proposed. Given that the majority of these are either small canopy or upright varieties, there is likely to be a loss of overall canopy cover, especially in the next five years while the new trees are establishing.</p> <p>Overall, the Landscape Masterplan does suitably incorporate trees into the development, however, this would have been enhanced with the retention of high value trees that were part of the original site.</p>	Noted. Addressed within section 5.8 of this report.

8.4 Representations received from Interested Parties

8.4.1 There have been no third-party representations received.

9. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Healthcare:

A financial contribution of £13,600 in order to increase capacity for the benefit of patients of the primary care network operating in the area, through any combination of extension, reconfiguration or relocation of premises as requested by the Mid and South Essex ICS.

PROPOSED CONDITIONS

1 The development hereby permitted shall commence not later than three years from the date of this decision.

REASON: To comply with Section 91(1) of the Town & Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
- CM9 4DT-A-03-A
 - CM9 4DT-A-01-B
 - CM9 4DT-A-05
 - CM9 4DT-A-04
 - 24-310_101 A
 - SDL-034
 - SDL-033 A
 - SDL-090.3C
 - PV-01A
- REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall commence until the following information has been submitted to and approved in writing by the local planning authority:
- A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals;
 - Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.
- The development shall only be carried out in accordance with the approved details.
- REASON: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality, in accordance with policy D1 of the Maldon District Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.
- 4 No development above ground level shall take place until a schedule of the external material or samples of materials, to be used in the development, have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.
- REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
- 5 Prior to installation, details of all windows and doors (including the depth of reveal and proposed materials) shall be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and permanently retained as such.
- REASON: In the interest of the character and appearance of the area and in accordance with policy D1 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
- 6 Prior to the erection of any TV and radio aerial or satellite dishes, details shall first be submitted to and approved in writing by the Local Planning Authority. Development shall only be implemented in accordance with the approved details and shall be permanently retained as such.
- REASON: To ensure that the development does not prejudice the appearance of the locality.

- 7 No use or occupation of the development shall occur until the means of enclosures as shown on the approved plans have been fully erected. The means of enclosure shall be permanently retained as such.
REASON: In the interest of the character and appearance of the area and to provide adequate amenity of the future occupiers in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
- 8 No use or occupation of the development shall occur until the vehicle parking to be provided for the development, has been hard surfaced, sealed and marked out in parking bays with electric vehicle charging provided, in accordance with the approved plans. The vehicle parking areas and associated drop off and turning area shall be retained in this form in perpetuity.
REASON: To ensure that on adequate vehicle parking is provided, and to ensure parking of vehicles in the adjoining streets does not occur. In the interests of highway safety and Policies D1 and T2 of the Maldon District Local Development Plan 2017.
- 9 Prior to the first use of the development hereby permitted, the bicycles storage units as detailed within the approved plans shall be provided, and thereafter retained as approved in perpetuity.
REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the Maldon District Local Development Plan 2017.
- 10 No use of occupation of the development shall occur until pedestrian dropped kerbs together with tactile paving has been provided at the bellmouth of the access road junction onto the currently unnamed east-west aligned estate road to the north of the development site.
REASON: To maintain suitable accessibility for pedestrians and the mobility impaired in accordance with Policies DM1 and DM9 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
- 11 No development shall occur, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:
- Safe access in / out of the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The storage of top soil
 - Wheel and underbody washing facilities
 - Construction signage and traffic management
 - Measures to control the emission of dust, dirt and mud during construction
 - A scheme to control noise and vibration during the construction phase, including details of any piling operations
 - Hours of working
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
 - Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON: In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4 T1 and T2 of the approved Maldon District Local Development Plan

12 No development shall occur 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 0.5l/s for all storm events up to and including the 1 in 100 year plus 45% allowance for climate change storm event subject to agreement with the relevant third party.
- 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 45% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% 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.
- An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to the first use or occupation.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required 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.

13 No development shall occur 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: The National Planning Policy Framework states that Local Planning Authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. 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.

- 14 No use or occupation shall occur until 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 on each parcel, has been 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. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.
- 15 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.
- 16 Should the existence of any contaminated ground or ground water conditions and/or hazardous soil gases be found that were not previously identified or not considered, work should stop and a risk assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.
- 17 The development hereby permitted shall be carried out in accordance with the External Lighting Scheme (LNT Construction LTD, May 2024), with the exception of the proposed white light at 4000k, which should be amended to the use of warm white lights at <2700k.
REASON: In the interest of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Local Development Plan 2017 and the National Planning Policy Framework.
- 18 No development shall occur until, an Ecological Conservation Management Plan (ECMP) has been submitted to and approved in writing by the Local Planning Authority. The ECMP shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:
- a) contractor responsibilities, procedures, and requirements;
 - b) full details of appropriate habitat and species surveys, and reviews where necessary, to identify areas of importance to biodiversity;
 - c) details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as

being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages of species' life cycles, such as the bird breeding season, protective fencing, and phasing of works to ensure the provision of advanced habitat areas and to minimise disturbance of existing features;

- d) identification of habitats and species worthy of management and enhancement together with the setting of appropriate conservation objectives for the site;
- e) a summary work schedule table confirming the relevant dates and/or periods that protection measures shall be implemented or undertaken by;
- f) a programme for monitoring to be carried out four times annually during the construction process;
- g) confirmation of suitably qualified personnel responsible for overseeing implementation of the ECMP commitments, such as an Ecological Clerk of Works, including a specification for the role; and
- h) a programme of long-term maintenance, management and monitoring responsibilities.

All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved ECMP.

REASON: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy S1, D1, N2 of the Maldon District Approved Local Development Plan and the National Planning Policy Framework.

19 No development shall occur until a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- b) A management and monitoring plan for off-site biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the Local Planning Authority to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

20 No development shall commence, until a detailed Arboricultural Method Statement detailing tree protection measures and supported by technical drawings, has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be fully implemented

in accordance with the approved details prior to any commencement of development or works on site.

REASON: In the interests of amenity and in accordance with Policies D1 and N2 of the Maldon Local Development Plan 2017.

- 21 Prior to the first occupation of the development hereby approved, the landscaping works as set out within the approved plans shall be fully carried out. 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.
- REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017.

PROPOSED INFORMATIVES

- 1 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ‘(the biodiversity gain condition)’ that development may not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the Planning Authority, and
 - (b) the Planning Authority has approved the plan.

The Planning Authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

- 2 In accordance with Schedule 7A (13) of The Town and Country Planning Act 1990 no development shall commence until a Biodiversity Gain Plan has been submitted to the planning authority, and the planning authority has approved the plan. In order to formally submit the Biodiversity Gain Plan to Maldon District Council please submit a Discharge of Conditions application. It is recommended that you complete and submit the template on the following link as part of your Biodiversity Gain Plan:
<https://www.gov.uk/government/publications/biodiversity-gain-plan>

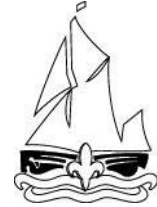
A Biodiversity Gain Plan submission should include the following (where relevant):

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values
- b) Pre and post development plans drawn to an identified scale and showing the direction of North
- c) Legal agreement

- d) Commitment to deliver and maintain BNG for a minimum of 30 years from the date of completion of the development (for onsite) or from the date that BNG has been completed (offsite)
- e) Habitat Management and Monitoring Plan (HMMP) in line with the HMMP template or HMMP checklist, concurrent with planting plans or other landscape management plans.
- f) Compensation plan (if affecting irreplaceable habitats)
- g) BNG register reference numbers (if using off-site units)
- h) Proof of purchase (if buying statutory biodiversity credits)

If you are carrying out a phased development the following applies:

- a) A statement showing how the development will proceed in phases must be submitted alongside an Overall Biodiversity Gain Plan before any development can commence.
- b) No development can then commence within each specified phase until a Phase Biodiversity Gain Plan for that phase has been submitted and approved.



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

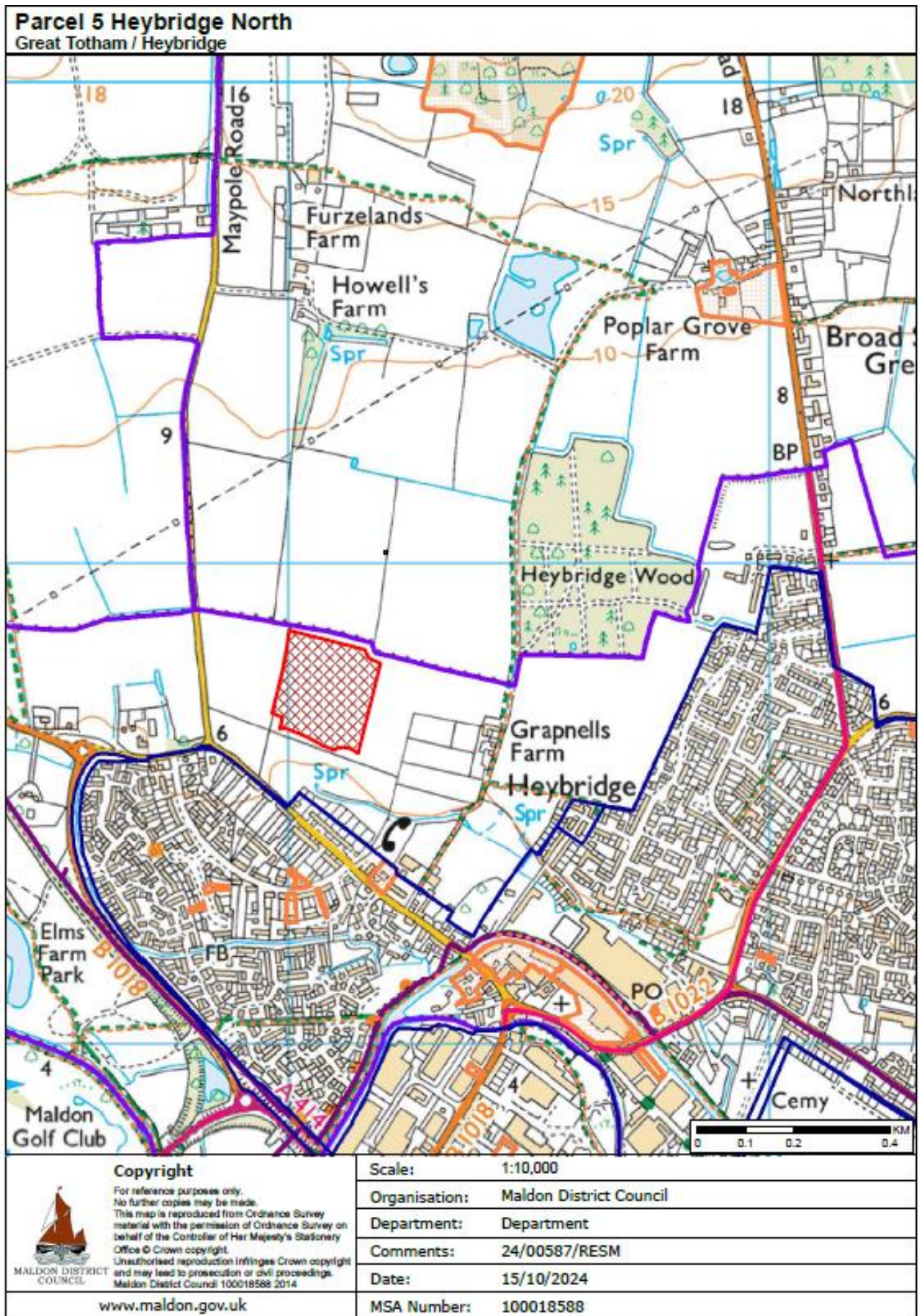
to
**DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

Application Number	24/00587/RESM
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham
Proposal	<p>Reserved matters application for the approval of access, appearance, landscaping, layout and scale for parcel 5 for creation of 104 no. one, two, three and four bedroom houses, bungalows and apartments plus associated roads, parking and landscaping, relating to planning application 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
Applicant	Countryside Partnerships Home Counties East
Agent	JCN Design & Planning
Target Decision Date	05.12.24 (EoT)
Case Officer	Lisa Page
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

1. RECOMMENDATION

APPROVE planning permission subject to the conditions as detailed in Section 9 of this report.

2. SITE MAP



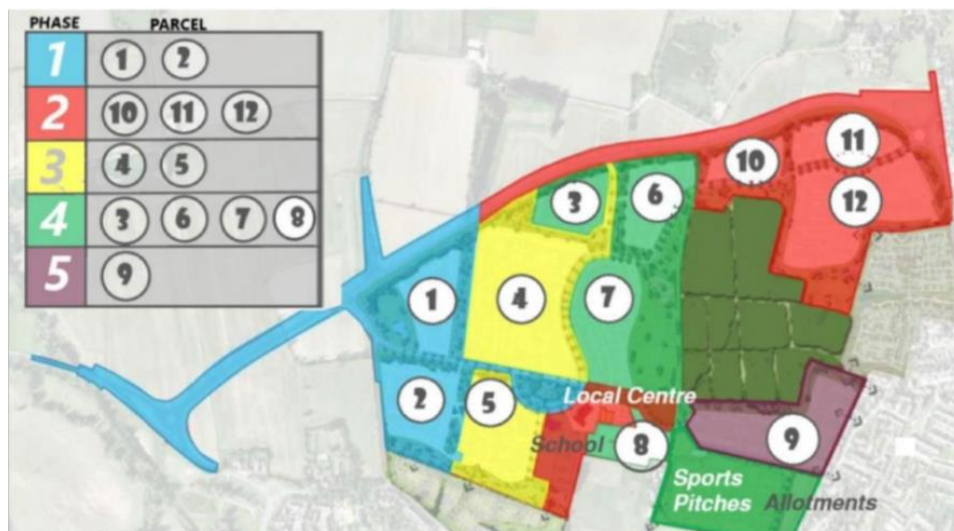
3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information.

Site description

3.1.1 The application site extends to 3.0 hectares, and is referred to as parcel 5, located to the southern edge of the overall North Heybridge Garden Suburb, now named 'Westcombe Park'. The northern boundary of the site is formed by the main spine road that runs through the site, beyond which residential development is being built out (parcel 4). To the east is the land allocated for the primary school, early years and neighbourhood centre within parcel 8. To the south lie the recently constructed dwellings at Barbrook Avenue set back behind a landscaped border that incorporates drainage infrastructure and landscaping. To the west are further dwellings under construction on parcel 2.

3.1.2 The images below set out the phases of development and different parcel numbers.



3.1.3 Reserved Matters has been approved for parcels 1 and 2 (Phase 1) comprising 160 units; parcels 10, 11 and 12 (Phase 2) comprising 262 units; parcel 4 comprising 234 units; and parcels 3, 6 and 7 (Phase 4) comprising 246 units. The layout of adjacent approved parcels is shown in the image below.



3.1.4 In addition to this application which seeks residential development on parcel 5, the only other residential parcel still to come forward is parcel 9. In terms of parcel 8, this will contain the school, early years, local centre and care provision. There is an application currently pending on this site for the erection of a 66 bed care home (24/00569/FUL). No application has come forward in relation to the other uses, but the Local Planning Authority (LPA) has been engaging with the developer in pre-application discussions for these elements.

Description of proposal

3.1.5 The application relates to development in the North Heybridge Garden Suburb referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid mixed-use development on appeal on 25 October 2019 under reference 15/00419/OUT for 'Part outline/part detailed (hybrid) application for mixed use development including:

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

3.1.6 The current proposal relates to parcel 5, which together with parcel 4 already under construction forms part of Phase 3 of the development. This Reserved Matters application seeks approval for access, appearance, landscaping, layout, and scale for the erection of 104no. one, two, three and four bedroom houses, bungalows and apartments plus associated roads, parking and landscaping.

3.1.7 Planning permission has already been granted for the strategic landscaping and infrastructure for Phases 3, 4 and 5 under application 22/00289/RESM, and which provides a high-quality framework of open space which surrounds the residential parcels, including tree-lined streets providing vehicular, pedestrian and cycle connectivity, sustainable drainage systems, and landscaping, ensuring that these parcels are well-contained and well-integrated within the wider site. This application should be seen within the context of the consented strategic landscape infrastructure.

3.1.8 The application seeks 104no. dwellings (72no. market dwellings and 32no. affordable), with the following mix: -

Market housing

39 x 2-bed

16 x 3-bed

17 x 4-bed

Affordable housing

22 x 1-bed

5 x 2-bed

5 x 3-bed

- 3.1.9 A singular vehicular access point would be taken at the northern boundary of the site onto the main road through the site. Internal to the site, would be a series of lower hierarchy shared surface roads and private drives. Across the site, allocated car parking spaces would be provided in garages, on driveways, and within parking courts, with an additional 22 visitor parking spaces. Electric Vehicle (EV) charging points are proposed to be provided to all units. Secure cycle storage for all dwellings is proposed within either garages or sheds.

3.2 Conclusion

- 3.2.1 The principle of the development of this site has been accepted as the site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The details of parcel 5 are considered to accord with the North Heybridge Strategic Masterplan Framework, the North Heybridge Strategic Design Code (SDC), the approved parameter plans and the outline planning permission to which it relates.
- 3.2.2 The density, layout, design and detailed appearance of the development would be acceptable and would be a good representation of the 'Garden Suburb' that is aimed for this section of the North Heybridge Garden Suburb. The development would complement the pattern of existing and approved developments being built out, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and a complementary palette of materials. Overall, the layout and design of the proposal would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 3.2.3 The proposal would deliver a range of accommodation types and sizes, including two, three, four and five bedroom houses suitable for families, as well as smaller one apartments and bungalows suitable for first time buyers or couples. This mix would assist in providing a sustainable and balanced community within this phase of the development. This parcel is proposing 32no. affordable homes and would comprises 30% of the total number of units within the phase. The affordable housing mix and distribution across the site is supported.
- 3.2.4 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide. There would be no unacceptable harm to neighbouring amenity.
- 3.2.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective. Adequate vehicle parking would be provided for future occupiers of the development (with EVC provision), with well distributed visitor parking provision. Secure cycle storage would be provided for all units to encourage sustainable patterns of travel.

- 3.2.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 On the basis of the above, this reserved matter application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted subject to the imposition of conditions.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework (2023) including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (2017)

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)
- North Heybridge Garden Suburb Strategic Masterplan Framework (SMF)
- North Heybridge Garden Suburb Strategic Design Code (SDC)
- Approved Parameter Plans

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the development as described above in section 3.1 of this Report. The granting of 15/00419/OUT therefore establishes that the principle of the development of the site is acceptable. The reserved matters application relates to the delivery of the residential element of parcel 5, but does not relate with the delivery of the strategic landscaping and infrastructure for this phase, which was previously approved under the terms of application 22/00289/RESM.

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

Section 106 (S106) Legal Agreement Update

5.1.3 As part of the S106 agreement attached to the hybrid application 15/00419/OUT, the development is required to provide the following:

- YOUTH FACILITIES – The Strategic Phasing plan details that the youth facilities will be delivered within Phase 4 of the development and by the 800th occupation. There has been engagement with Maldon District Council (MDC), Heybridge Parish Council and local residents regarding the nature of the youth facilities. This has informed the types of facilities proposed. It is understood that a reserved matters application is being prepared, and it is anticipated that the youth facilities will be delivered in 2025 in line with the Phasing Plan agreed pursuant to condition 11 of the hybrid permission.
- HEYBRIDGE WOOD MANAGEMENT PLAN - This has been approved.
- EDUCATION (Early Years, Primary, Secondary school provision) - The Outline Planning Permission S106 secures a series of payments totalling c.£7.8m towards Early Years, Primary and Secondary Education. In addition,

the development will provide a serviced site for a Primary School and Early Years Facility. The School site will be located immediately adjacent to the Local Centre on Parcel 8 and the spine road and access to this site has been built. Essex County Council is responsible for delivering the new school and can request its transfer at any point.

- LOCAL CENTRE and COMMERCIAL EARLY YEARS – The location and marketing strategy is agreed and proposals are included within Local centre pre application proposals for Parcel 8. The Local Centre will provide a nursery, retail offer (including a local convenience store) and a medical practice. The proposals have been subject to pre-application discussions.
- MEDICAL FACILITIES – The medical facilities form part of the Local / Neighbourhood Centre. Countryside is working with Charterpoint Group to deliver this. Following pre-application discussions with MDC and dialogue with the NHS and the Blackwater and Longfield Medical Practices during 2023, Charterpoint Group has progressed a design for the new local centre. The local centre includes a mix of uses including new, purpose-built, GP accommodation for the Longfield and Blackwater practices; this reflects detailed discussions about procurement, specification and internal space organisation. The NHS is advancing their outline business case for the GP accommodation. We understand that NHS are expecting to get a decision on their outline business case in Feb. 2025. Once the NHS business case has been approved, this will firm up their commitment.
- BUS SERVICE AGREEMENT - The S106 also secured c£2.47m to fund enhanced bus services, which will be established post the 150th dwelling occupation as per the legal agreement. Countryside is in advanced discussions with First Group on the bus service agreement
- LOCAL MANAGEMENT ORGANISATION - Formal proposals submitted to MDC which will involve the services of the Land Trust Charity.
- LEAP / NEAP / OPEN SPACE - Details already agreed via previously approved Reserved Matters applications.

5.1.4 It should also be noted that conditions attached to previous approvals and the agreed Phasing plan include triggers for the completion and opening of the Relief Road, completion of open space, play areas, sports pitches, youth facilities and allotments. Discussions on all these elements are progressing to ensure timely delivery of these elements.

5.1.5 In summary on the principle of development, for the aforementioned reasons, no objection is raised to the principle of this residential development within this parcel of the approved development within the North Heybridge Garden Suburb.

5.2 Housing Mix and Affordable Housing

5.2.1 The housing mix requirements were set through the imposition of planning conditions and obligations in the S106 of the approved hybrid application 15/00419/OUT. In particular condition no. 37 requires the housing mix of the development to include a minimum of 50% 1 and 2 bedroom dwellings, a minimum 30% of 3 bedroom properties and no more than 20% 4-bedroom+ dwellings. As part of previous reserved matters applications on the wider site, MDC has confirmed that this applies to the development as a whole and not individual reserved matters planning applications. Therefore, whilst the mix provided within this parcel does not comply (it would deliver 65no. 1 and 2-bedroom units equating to 63.5%, 21no. 3-bedroom units equating to 20.2% and 17no. 4-bed units equating to 16.35%), this is

acceptable as it was always anticipated that this parcel would deliver a higher density development with a higher proportion of smaller units (in accordance with the SMF and SDC) and considering that this the fourth phase of the approved development it would assist in adhering to the overall requirements set in the conditions of the original outline permission.

5.2.2 Furthermore, condition no. 38 on the outline consent requires not less than 4% of the dwellings be smaller 1 and 2 bedroom properties that are single-storey in height. This application includes 4.8% as bungalows, which exceeds the condition requirement. All the units would meet Nationally Designed Space Standards. Overall, the proposed development would deliver a range of accommodation types and sizes, including two, three, four and five bedroom houses suitable for families, as well as smaller one apartments and bungalows suitable for first time buyers or couples. This mix will assist in providing a sustainable and balanced community within this phase of the development.

5.2.3 This parcel is proposing 32no. affordable homes and would comprises 30% of the total number of units within the phase and meets the overall affordable provision detailed in the Section 106 for all Phases. The provision of affordable housing on this parcel is set out below: -

Name	Type	Accommodation	Floor area (m ²)	Number		
				Affordable rent	Intermediate	Total
Apt I	Apartment	1 bed / 2 person	50.0	13	0	13
BI (GF)	Maisonette	1 bed / 2 person	50.0	0	3	3
BI (IF)	Maisonette	1 bed / 2 person	58.0	0	3	3
IBB	Bungalow	1 bed / 2 person	59.7	3	0	3
AFF B2	Bungalow	2 bed / 4 person	72.3	2	0	2
AFF B4	House	2 bed / 4 person	79.1	3	0	3
AFF B6	House	3 bed / 5 person	98.5	1	4	5
Total						32

5.2.4 The Councils Strategic Housing Services have reviewed the application and fully support this mix, and further support is attributed to the distribution of the affordable housing which would appear tenure blind. It should be noted that the ongoing delivery of affordable housing across the phases as they have progressed has been carefully monitored by Countryside and MDC's Strategic Housing Officers to ensure a coordinated approach to compliance across the development as a whole. This has resulted in the affordable housing requirements for Parcel 5 being prescribed for this Phase based on delivery to date, and that projected for the last outstanding residential parcel.

5.2.5 The proposed dwelling mix, and provision of affordable housing on this parcel would assist in the deliverability of the future phases and compliance with the wider requirements of the North Heybridge Garden Suburb, and policy H2 of the LDP.

5.3 Layout, design and impact on the character and appearance 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, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs (NHGS) would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The development is subject to a Strategic Masterplan Framework and Design Code. The NHGS Strategic Masterplan Framework (SMF) and the NHGS Strategic Design Code (SDC) have both been endorsed by the Council as material considerations for Development Management purposes. A number of parameter plans were also approved as part of the hybrid planning application. Those relevant to the current application are Land Use Parameter Plan, the Density Parameter Plan and the Building Heights Parameter Plan.
- 5.3.5 The details included within the SDC relate to the main structuring elements, whilst maintaining flexibility for each developer to decide how to bring forward individual plots. These design codes are therefore a material consideration for the assessment of the landscaping and infrastructure elements of the approved development more so than the individual parcels. Nevertheless, the NHGS Strategic Design Code includes guidance in relation to the character areas, car parking and bin storage, which are relevant to the assessment of the submitted development.
- 5.3.6 By reason of the location of parcel 5 and its proximity to the central location in the site, the area falls within the defined character context area of ‘Garden Suburb’. This character area is located towards the centre of the site, where the opportunity exists to create a more formal, planned layout that reflects the character of the traditional pre-planned Garden Suburb. Buildings may be arranged in regular, formal street patterns with key buildings to mark the ends of vistas or junctions. This area could be characterised by tree lined avenues and formally laid out open spaces. The density of dwellings may be higher in the centre of the development near the community heart - the local centre and the primary school.
- 5.3.7 Within the ‘Garden Suburbs’, the following approaches to design layout, planting and materials, will apply:
- Urban form - Generally straight streets, with a tighter urban form to achieve higher densities, well defined streets enclosed by consistent building lines and strong frontage to primary streets. Greenways with vistas to community and civic destinations as well as to designed open spaces.
 - Planting Strategy - Formal wide tree lined avenues - single species of trees. (Acer Platinoids ‘Emerald Queen’, Tilia ‘Brabant’ or Tilia Cordata) are some recommendations, with landscape strips to establish the character of this area. Areas of formal ornamental planting to reflect the more urban character of this area. Respects and enhances existing natural features, hedgerows, wildlife areas and water features.

- Colours and materials - Use of varied building materials - influence of local vernacular. Predominantly render, brick and timber.
- Boundary treatments - Single species clipped hedges defining boundary between street and front garden. (Hornbeam or as required by Maldon District Council) Smaller garden sizes which reinforce a more urban character and enclose streets.

5.3.8 In terms of the urban form, the development would be of a density of 34.7 dwellings per hectare. This is in keeping with the approved Residential Density Parameter Plan that shows the majority of the parcel within the medium density band (30 to 36 dwellings per hectare) and the frontage to the northern boundary in the higher density band (34 to 40 dwellings per hectare). This tighter urban form is achieved whilst still providing well defined streets enclosed by consistent building lines with strong frontage to primary streets, with active frontages maintained along the highway and public open space to ensure natural surveillance is achieved and would be in accordance with SDC Policies PS01 (Primary Street Through Residential Area) and PS02 (Primary Street Through Green Corridor) providing enclosure and natural surveillance of the street.

5.3.9 In design terms, the development would vary between 2 and 3 storeys in accordance with the Design Code for this character area. Development would be of a scale that reflects that already approved and being built out on adjacent parcels. In addition, the approach to the detailed design reflects the locality (with the use of projecting front gables, bay windows, stone cills and chimneys), and the choice of materials (the palette includes 3 brick types including red, red multi and buff, with varying coloured boarding, whilst the roof materials include terracotta, brown and slate tiles) would result in a high-quality development and assist in unifying this parcel of development with the existing residential development across the wider site.

5.3.10 Overall, the development would accord with the approved parameter plans and the guidance contained within the NHGS Strategic Design Code regarding the Garden Suburb character area. The development would also follow the good design principles set out in the Maldon District design SPD. Overall, it is considered that the layout, mass, height, form, design and appearance of the development would be acceptable and would be a good representation of the Garden Suburb character area that is aimed for this section of the NHGS.

5.4 Impact on Future Occupiers Amenity

5.4.1 In terms of private amenity provision for future occupiers, all dwellings would be provided with private gardens to meet with the standards set out in the adopted MDDG SPD (namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for 1–2-bedroom dwellings and 25m² for flats). In addition, all properties would be served by windows which would provide adequate light and outlook to all habitable rooms, and internally all dwellings would meet the Nationally Described Space Standards.

5.4.2 In terms of public amenity space, as has already been set out in this report, planning permission has already been granted for the strategic landscaping and infrastructure (under application 22/00289/RESM), which provides a high-quality framework of open space which surrounds the residential parcels. This would deliver sufficient and usable public amenity space for future occupiers, providing informal areas for recreation and social interaction, together with pedestrian and cycle connectivity.

5.4.3 On this basis, it is considered that a good quality of life for the occupiers of the proposed residential units would be provided.

5.5 Impact on Neighbouring Residential Amenity

- 5.5.1 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). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.5.2 The layout of the development is well related to the strategic landscaping and infrastructure which surrounds the residential parcel, such that there would be no adverse impacts to existing residential developments beyond the southern boundary in Barbrook Avenue. The layout would also respect the approved development currently being built out to the west and north and would have no adverse impacts to future occupiers of dwellings on those parcels. To the east is the parcel of land assigned for schooling and early years and the neighbourhood centre, and whilst there is no layout approved as yet for that parcel, the layout proposed for this residential parcel would have an acceptable impact in terms of distances between built form to prevent any adverse amenity impacts.
- 5.5.3 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Access to parcel 5 would be taken from the spine road that runs along the northern boundary of the parcel. The Highway Authority has no comments to make from a highway and transportation perspective. On that basis, no objection is raised to the proposed access in terms of highway safety or highway capacity.
- 5.6.2 In terms of parking provision, Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards 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. In terms of parking provision for vehicles and bicycles, the standards as set out in the SPD for dwellinghouses are as follows:
- On plot parking: Minimum 1 parking space per dwelling; 1 space per 1-bed; 2 spaces per 2 – 3-bed; and 3 spaces per 4+bed;
 - Visitor parking - 1 per 4 dwellings;
 - Off street parking: at least 1 home charging point per dwelling
 - Cycle parking: none if garages provided; otherwise, 1 per 1-bed unit, 2 per 2+beds unit; + 1 per 8 units (for visitors)
- 5.6.3 The proposed vehicle parking provision complies with the above standards, with on plot parking spaces provided in addition to garage spaces on many plots. All parking spaces and garages meet the size standards in the SPD for parking spaces and garages. The 22no. visitor parking are relatively well distributed across the site to serve demand.
- 5.6.4 The layout plan also indicates that Electric Vehicle Charging (EVC) points are proposed in compliance with the SPD with one charging point per residential dwelling to be provided either within garages or immediately adjacent to the parking spaces.

As EVC is now a requirement under Building Regulations, there is no need for this to be secured via condition.

- 5.6.5 In terms of cycle storage provision, where no garages are provided, cycle parking is to be provided within secure parking stores on plot, and this would be secured by way of a condition.
- 5.6.6 In terms of wider pedestrian and cycle access, it is noted that the main pedestrian and cycle network is provided in the periphery of the site, as required by the Access and Movement Parameter Plan, however, linkages are provided within the site to connect the pedestrian and cycle routes.
- 5.6.7 Based on the above, the development would not cause harm in relation to highway capacity or highway safety, and parking and cycle provision is acceptable. The proposal is therefore considered to accord with Policies D1 and T2 of the LDP.

5.7 Flood Risk, Surface Water and Foul 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 overall drainage strategy was approved as part of the hybrid application 15/00419/OUT. The proposed drainage scheme for this parcel, is designed in accordance with the site-wide strategy and the Site-Specific Flood Risk Assessment for the whole of the North Heybridge Garden Suburb. Due to the shallow ground water, infiltration is not proposed across the garden suburb. Parcel 5 is designed to discharge surface water runoff into the wider drainage infrastructure network, connecting at Basin 9A. The basin and associated downstream SuDS train were designed with the capacity needed to accommodate Parcel 5 within the context of the wider scheme.
- 5.7.3 The Drainage Design Statement (Richard Jackson Engineering Consultants) confirms the proposed layout of the drainage system and includes a detailed set of drainage calculations. The drawings show a gravity piped network with large areas of permeable paving for the conveyance and storage of surface water flows. A series of attenuation crates are also included across the site to provide attenuation in combination with the permeable paving structures.
- 5.7.4 With regard to foul drainage, it is noted that this is secured through condition 16 of application 15/00419/OUT, which requires the submission of details of the foul water drainage. Foul water is drained by gravity to a pumping station in the south western corner of the site, to be adopted as part of the wider infrastructure network within the garden suburb.
- 5.7.5 The Lead Local Flood Authority (LLFA) have no objections and overall, the proposal is considered acceptable in relation to flooding and drainage.

5.8 Impact on Ecology, Biodiversity and Landscaping

- 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, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.

- 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.
- 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. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that 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.

Ecology and Biodiversity Net Gain (BNG)

- 5.8.4 The outline planning permission predates the introduction of the mandatory requirement for development to deliver a 10% net gain in the biodiversity value of the site. However, because the principle was already established by local policy N2, adding biodiversity value is already designed-in to the wider green infrastructure within the garden suburb and does not form part of the detailed design at Parcel 5.
- 5.8.5 An Ecological Conservation Management Plan (August 2022) has been approved pursuant to condition 13 on the outline planning permission and secures enhancement measures through the creation of new habitats, and would conserve protected and Priority species such as bats, Badger, reptiles, nesting birds, and Common Toad. Furthermore, the proposed biodiversity enhancements, which have been recommended by the Ecological Management Plan (August 2022) and secured via condition 13 on the outline permission, would secure net gains for biodiversity and is supported.
- 5.8.6 On the basis of the above documents, and the submitted soft landscape proposals and 'Landscape Masterplan' (all produced by Golby + Luck Landscape Architects, August 2023), Officers are satisfied that there is sufficient ecological information available for determination of the application, and which would provide certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, which confirm that, with appropriate mitigation measures secured, the development can be made acceptable.

Landscape

- 5.8.7 As noted above, the application has been submitted with a 'Landscape Masterplan' and soft landscape drawings, which provide details regarding the proposed landscaping. The development, as shown on the landscaping strategy plan would include a variety of trees, hedges (native hedges) and grassland to boundary edges. The approach to soft planting would tie the site into the wider development and is supported. In addition, the Landscape Management Plan would ensure that that the proposed planning would be managed appropriately.

6. CONCLUSION

- 6.1.1 The principle of the development of this site has been accepted as the site forms part of the North Heybridge Garden Suburb, strategic site reference S2(d). The details of parcel 5 are considered to accord with the North Heybridge Strategic Masterplan Framework, the North Heybridge Strategic Design Code (SDC), the approved parameter plans and the outline planning permission to which it relates.

- 6.1.2 The density, layout, design and detailed appearance of the development would be acceptable and would be a good representation of the 'Garden Suburb' that is aimed for this section of the North Heybridge Garden Suburb. The development would complement the pattern of existing and approved developments being built out, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and the palette of materials. Overall, the layout and design of the proposal would create a high-quality development and would deliver the high quality, vibrant and distinctive neighbourhood that is the aim for garden suburbs.
- 6.1.3 The development would deliver a range of accommodation types and sizes, including two, three, four and five bedroom houses suitable for families, as well as smaller one apartments and bungalows suitable for first time buyers or couples. This mix would assist in providing a sustainable and balanced community within this phase of the development. This parcel is proposing 32no. affordable homes and would comprises 30% of the total number of units within the phase. The affordable housing mix and distribution across the site is supported.
- 6.1.4 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide. There would be no unacceptable harm to neighbouring amenity.
- 6.1.5 In terms of highways matters, the development would not have an adverse impact upon local highway safety and the Highway Authority has no objections from a highway and transportation perspective. Adequate vehicle parking would be provided for future occupiers of the development (with EVC provision), with well distributed visitor parking provision. Secure cycle storage would be provided for all units to encourage sustainable patterns of travel.
- 6.1.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 6.1.7 On the basis of the above, this reserved matter application is acceptable and in accordance with the aims of the Development Plan, and thus, it is recommended that planning permission be granted subject to the imposition of conditions.

7. **ANY RELEVANT SITE HISTORY**

- 7.1 The Relevant Planning History is set out below.

Application Number	Description	Decision
15/00419/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline); (ii) Residential Care for up to 120 beds (Use Class C2) (Outline); (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline);	Refused. Allowed on appeal 25.10.2019

Application Number	Description	Decision
	(iv) Primary school and early years childcare facility (Use Class D1c) (Outline); (v) A relief road between Broad Street Green Road and Langford Road (Detailed element); (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity substations (Detailed); and All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).	
19/00741/OUT	Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity substations (Detailed); and All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline)	Approved 14.10.2019
21/00538/NMA	Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9	Approved 09.06.2021
21/00384/RES	Reserved Matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising; (a) landscaping for the approved Relief Road, (b) phase 1 entrance green, (c) phase 1 spine road, (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play) (e) acoustic bund for phase 1 Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part	Approved 08.10.2021

Application Number	Description	Decision
	<p>outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity substations (Detailed); and (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline). 	
21/00961/RES	<p>Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:</p> <ul style="list-style-type: none"> (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout; (ii) The internal spine road, from Broad Street Green Road to the northeastern corner of Heybridge Wood (including bus stops); (iii) The green corridors that surround Parcels 10, 11 and 12; (iv) The second phase of the acoustic barrier; (v) The play area (LEAP) that lies south of Parcel 12; (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre; (vii) The proposed pumping station; (viii) Pedestrian and cycle links falling within this phase of the development. 	Approved 24.02.2022
21/00752/RES	<p>Reserved Matters application for Phase 1 the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 	Approved 31.03.2022

Application Number	Description	Decision
	<p>1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, onsite drainage, and infrastructure works (Outline).).</p>	
22/00523/RESM	<p>Reserved Matters application for Phase 2 the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <p>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline)</p>	Approved 23.11.2022
22/00289/RESM	<p>Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phases 3, 4 and 5 of the approved</p>	Approved 25.01.2023

Application Number	Description	Decision
	<p>planning application (15/00419/OUT) comprising:</p> <ul style="list-style-type: none"> (i) The green corridors, open space, and attenuation features within Phases 3, 4 and 5 including those surrounding Parcels 3, 4, 5, 6, 7 and 9; (ii) Formal play areas, including Local Equipped Areas of Play to the north of Parcel 4 and to the east of Parcel 8 and a Neighbourhood Equipped Area of Play to the east of Parcel 7; (iii) The section of the internal spine road which connects to both the spine road previously approved under the Reserved Matters applications of Phase 1 and 2 and to the approved Relief Road, including details of bus stops; (iv) The internal road to serve Parcel 9, allotments and playing field; (v) Pedestrian and cycle links falling within these phases of the development including Public Rights of Way; (vi) The location and layout of the playing fields south of Parcel 9; (vii) The location and layout of the allotments together with the associated parking, means of access and enclosure; (viii) Proposed pumping station south of parcel 9. Together with details pursuant to Condition 18 (tree protection), Condition 27 (bus stops), Condition 28 (footpaths and cycle routes), Condition 29 (Vehicular Parking) and Condition 31 (Landscaping) of the approved planning application 15/00419/OUT. 	
22/00324/PROW	Permanent diversion of PROW 19 and PROW 17.	Approved 31.10.2023
23/00226/RESM	<p>Reserved matters application for the approval of access, appearance, landscaping, layout and scale for Phase 3 for the construction of 234 residential units of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:</p> <ul style="list-style-type: none"> (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub- 	Approved 04.07.2023

Application Number	Description	Decision
	stations (Detailed); and (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).	
23/00408/RESM	Reserved matters application for Phase 4 Reserved matters application for the approval of access, appearance, landscaping, layout and scale for the construction of 246 residential units with associated access, parking, servicing and landscaping (Parcels 3, 6 and 7 only) of outline application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity substations (Detailed); and (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).	Approved 04.07.2023
23/00528/NMA	Application for non-material amendment following grant of reserved matters application 21/00384/RES (Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising; (a) landscaping for the approved Relief Road, (b) phase 1 entrance green, (c) phase 1 spine road, (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play) (e) acoustic bund for phase 1 Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to	Approved 22.09.2023

Application Number	Description	Decision
	<p>1138 dwellings including 30% as affordable housing (Outline)</p> <p>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</p> <p>(iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)</p> <p>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</p> <p>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)</p> <p>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</p> <p>(vii) Construction of initial gas and electricity substations (Detailed); and</p> <p>(viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline.)</p> <p>Amendment sought: To re-align the point of access from the consented spine road into the Primary School site within Phase 1, Westcombe Park, Heybridge, Essex</p>	
23/00519/PROW	Land At Broad Street Green Road and Langford Road And Maypole Road, Great Totham. Proposed stopping up of 299m of PROW 296_30 (from Langford Road at position F on the enclosed plan to where it terminates/joins the road at position G on the enclosed plan). Proposed extension to PROW 249_03 to connect to PROW 296_13 (positions B to D on the enclosed Plan).	Approved
24/00569/FUL	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.	Pending

8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	Raise no objection but comment whether there is S106 monies available for providing open space and amenity space elsewhere in the Parish.	Noted. Addressed within Section 5.1 of the Report.
Heybridge Parish Council	Recommend the grant of approval and note that the application is within the terms of the original outline application.	Noted.

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council – Highway Authority	Advise that from a highway and transportation perspective the Highway Authority has no comments to make on this proposal.	Noted. Highway matters addressed within Section 5.6 of the report.
Lead Local Flood Authority	No objections.	Flood matters are addressed in Section 5.7 of the report.
Natural England	Have no comments to make on the application.	Noted.
Essex Police Designing Out Crime	Neither object nor support. Advise that to comment further they would require more detail such as the proposed lighting and physical security measures. Welcome the opportunity to advise further to assist the developer to achieve a Secured by Design Homes award.	Noted.
Anglian Water	<p>The foul drainage from the development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>Advise that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.</p> <p>In relation to surface water disposal advise that the proposed method of surface water discharge does not relate to an Anglian Water owned asset, and thus provide no comments.</p>	Noted. Addressed within Section 5.7 of the report.
Essex Fire & Rescue	Make comments in relation to access, Building Regulations, water supplies and sprinklers.	Noted. Fire Service matters will be addressed further at Building Regulation stage.

8.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Affordable Housing Officer	Support the proposal.	Addressed within Section 5.2 of the report.
Ecology Consultant	No objection subject to discharging Condition 13 for Parcel 5 to secure biodiversity mitigation and enhancement measures.	Addressed within Section 5.8 of the report.

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments to make.	Noted.

8.4 Representations received from Interested Parties

8.4.1 There have been no third-party representations received.

9. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
BV061-OP2-PL-01 rev. B
BV061-OP2-PL-02 rev. B
BV061-OP2-PL-03 rev. B
BV061-OP2-PL-04 rev. B
BV061-OP2-PL-05 rev. B
BV061-OP2-PL-06 rev. B
BV061-OP2-PL-07 rev. B
BV061-OP2-PL-08 rev. B
BV061-OP2-PL-09 rev. C
BV061-OP2-PL-10 rev. B
GL2143 01 rev. D
GL2143 02 rev. D
GL2143 03 rev. B
62333-RJL-DR-C-0010 rev. P4
BV061-OP2-HA-1BBa-01 rev. C
BV061-OP2-HA-1BBb-02 rev. B
BV061-OP2-HA-B1a-01 rev. B
BV061-OP2-HA-B1a-02 rev. A
BV061-OP2-HA-B2a-01 rev. A
BV061-OP2-HA-B2a-02
BV061-OP2-HA-B4a-01 rev. A
BV061-OP2-HA-B4b-02 rev. A
BV061-OP2-HA-B6a-01 rev. A
BV061-OP2-HT-ASa-01 rev. B
BV061-OP2-HT-ASb-02 rev. B
BV061-OP2-HT-ASb-03
BV061-OP2-HT-BRa-01 rev. A
BV061-OP2-HT-BRa-02
BV061-OP2-HT-CEa-01 rev. A
BV061-OP2-HT-CHa-01 rev. A
BV061-OP2-HT-CHb-02 rev. A
BV061-OP2-HT-CHa-03
BV061-OP2-HT-CHb-04
BV061-OP2-HT-CYa-01 rev. A
BV061-OP2-HT-CYb-02 rev. A
BV061-OP2-HT-CYa-03
BV061-OP2-HT-CYb-04
BV061-OP2-HT-HLa-01 rev. A

BV061-OP2-HT-JUa-01 rev. A
BV061-OP2-HT-JUb-02 rev. B
BV061-OP2-HT-JUa-03
BV061-OP2-HT-SPa-01 rev. A
BV061-OP2-HT-SPb-02 rev. A
BV061-OP2-HT-SPa-03
BV061-OP2-HT-SPb-04
BV061-OP2-HA-AptA-01 rev. A
BV061-OP2-HA-AptA-02 rev. A
BV061-OP2-HA-AptB-01 rev. A
BV061-OP2-HA-AptB-02 rev. A
BV061-OP2-HA-AptC-01 rev. A
BV061-OP2-HA-AptC-02 rev. A
BV061-OP2-GR-01 rev. A
BV061-OP2-ST-01 rev. B
BV061-OP2-ST-02 rev. A
BV061-OP2-ST-03 rev. B
BV061-OP2-ST-04 rev. A

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

3. No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

A full topographical site survey showing existing levels including: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals;

Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

REASON: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality, in accordance with Policy D1 of the Maldon District Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

4. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces of the buildings and the proposed brick walls, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of each unit, the associated means of enclosure for that unit, as shown on plan BV061-OP2-PL-03 REV B, shall be fully erected. Prior to the erection of any railing, full details of the railing design shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the Maldon District Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of each residential unit, the vehicle parking to be provided for that unit, shall be hard surfaced, sealed and marked out in parking bays, and if served by a garage, the approved garage shall be erected in accordance with the plans and details hereby approved. Prior to the occupation of the last dwelling, all other roads, turning provision and vehicle parking areas shall be fully completed in accordance with the approved plans. The vehicle parking and garages shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policies D1 and T2 of the Maldon District Local Development Plan 2017.

7. The dwellings hereby permitted that are not provided with a garage shall not be occupied until the storage for bicycles as shown on the approved plans has been provided for the occupiers of these dwellings.

REASON: To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the Maldon District Local Development Plan 2017.

8. The development shall be completed in accordance with the approved details under discharge of condition application 22/05081/DET (discharge condition 13 - Ecological Conservation Management Plan Parcel 3,4,5 of application 15/00419/OUT). The proposed ecological enhancements shall be retained as approved in perpetuity.

REASON: To ensure that the approved measures are fully implemented in the interests of nature conservation in accordance with Policies S1, D1, N2 of the Maldon District Local Development Plan 2017 and the National Planning Policy Framework.

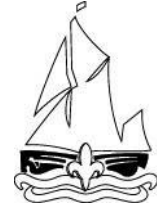
9. Notwithstanding the provisions of Classes B and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions or separate outbuildings shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of Policies D1 and H4 of the Maldon District Local Development Plan 2017 and the provision and guidance as contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, a timetable for the implementation and management of the landscape works as shown on the approved plans GL2143 01 C, GL2143 02 C and GL2143 03 A, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. 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.

REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017.

11. No development above ground level shall take place until additional details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate that the porch verges will be built as a wet verge. REASON: To ensure that the detail and appearance is high quality, and in accordance with Policy D1 of the Maldon District Local Development Plan 2017.



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**DISTRICT PLANNING COMMITTEE
27 NOVEMBER 2024**

Application Number	24/00672/FUL
Location	Land South Of Brent Way And Off Of Endeavour Way, Burnham-On-Crouch, Essex
Proposal	Construction of 5 dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure in lieu of 2 dwellings approved under 14/00356/FUL.
Applicant	Barratt Developments PLC
Agent	Lanpro Services Ltd
Target Decision Date	06.12.24 (EoT)
Case Officer	Ike Dimano
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

1. RECOMMENDATION


APPROVE planning permission 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 planning obligations and subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

See below.

24/00672/FUL
Land Bounded by Maldon Rd & Creeksia Lane, BOC



 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	Scale: 1:848
	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 18/11/2024
www.maldon.gov.uk	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The land to which this application relates measures approximately 0.45ha (1.1 acres), including the access road from Maldon Road. The developable area is 0.25ha (0.62 acres). It is located to the south of Maldon Road and forms the 'Gateway Site' to the approved Barrat David Wilson Homes development.
- 3.1.2 The Site forms part of a wider land parcel benefiting from extant planning permission ref: 14/00356/FUL to provide 180 new dwellings, including 72 affordable dwellings and associated infrastructure. This permission also included in outline for a 50-60 bed care home, nursery, 3.4ha of B1, B2 and B8 uses and 0.65ha of allotments.
- 3.1.3 A further permission was approved under 24/00244/FULM for the construction of 63 dwellings inclusive of 25 affordable dwellings.
- 3.1.4 The site lies outside of the Conservation Area and is within Flood Zone 1 as identified in the Environment Agency's (EA's) Flood Map and therefore has a low probability of flooding from rivers and the sea.

Description of proposal

- 3.1.5 The application comprises the construction of five dwellings (Use Class C3), and associated works, including car and cycle parking, soft and hard landscaping; and infrastructure, with the following housing mix: -

Market housing

- 1 x 3-bed dwellings
- 2 x 4-bed dwellings
- 2 x 5-bed dwelling

Affordable housing

The requirement for affordable housing amounts to 0.8 of a dwelling (this is likely to be provided in the form of a financial contribution)

- 3.1.6 For clarity, the current application relates to a part of the site which benefits from approval under planning application (14/00356/FUL). The site has permission for two detached houses and it is proposed to replace the approved dwellings with five detached buildings. Consequently, only three additional dwellings are proposed.
- 3.1.7 The layout includes the provision of hard and soft landscaping, car parking and a sustainable urban drainage system.
- 3.1.8 Vehicular access would be from Endeavour Way which joins onto Maldon Road (B1010).
- 3.1.9 Across this site, a total of 18 allocated car parking spaces are proposed (including on-plot garaging). Secure cycle storage for all dwellings is proposed within garages.

3.2 Conclusion

- 3.2.1 The application site is located within the strategic site allocation S2(i) within the Local Development Plan (LDP) and is therefore part of the 'Land West of Burnham-on-Crouch' strategic allocation which plans for a minimum of 180 dwellings. The proposal provides for an uplift in dwelling numbers, however given the number of units proposed, it is considered acceptable.
- 3.2.2 The application would deliver 5no. new dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix as proposed would offer smaller dwellings than the two already approved buildings, and which are being replaced. The delivery of smaller housing would meet one of the larger dwelling types required in the District.
- 3.2.3 The layout of development would follow the grain of existing developments to the south, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and a complementary palette of materials. This part of Endeavour Way would be tree lined. Overall, the layout and design of the proposal would create a high-quality development.
- 3.2.4 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide. There would be no unacceptable harm to neighbouring amenity.
- 3.2.5 In terms of highways matters, Endeavour Way and Maldon Road has adequate capacity to serve the development and the development would not have an adverse impact upon local highway safety. The Highway Authority has no objections from a highway and transportation perspective. Adequate parking would be provided for the development.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory, and the development would deliver satisfactory on-site Biodiversity Net Gain (BNG) which would be secured for 30 years. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 In this instance, it is recommended that planning permission 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.

4. **MAIN RELEVANT POLICIES**

4.1 **National Planning Policy Framework (2023) including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes

- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

4.2 **Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S2 Strategic Growth
- S6 Burnham-on-Crouch Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

4.3 **Adopted Burnham-on-Crouch Neighbourhood Plan (BOCNP):**

- Policy S1 – Strategic Housing Growth
- Policy EN.2 – New Development and Flood Risk
- Policy HO.2 – Range and Type of New Residential Development
- Policy HO.3 – Housing for Retired and Elderly Persons
- Policy HO.4 – Affordable Market Housing
- Policy HO.8 – Housing Design Principles

4.4 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) (2018)
- Maldon District Design Guide (MDDG) (2017)

- Burnham-on-Crouch Neighbourhood Development Plan (BOCNDP)
- Maldon District Affordable Housing and Viability SPD (2019)

4.5 **Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

4.5.1 A draft list of Heads of Terms for a Section 106 Agreement includes the following:

- 40%) affordable housing
- Essex County Council (ECC) monitoring fee £700 per ECC obligation
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) tariff at £163.86 per dwelling
- District Council monitoring fees

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

National Planning Policy Framework (NPPF)

- 5.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 5.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that Local Planning Authorities (LPAs) should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 5.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.

- 5.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a Five-Year Housing Land Supply (5YHLS). This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan.

Five Year Housing Land Supply

- 5.1.6 On 28 May 2024, the Council confirmed, through approval of its officers' report and supporting evidence, that it can demonstrate a supply of specific, deliverable sites sufficient to provide for 6.3 years' worth of housing against the Councils identified housing requirements. The published figure for the year 2023 / 24 was 6.35. However, it should be noted that this is not a ceiling to development as the Council is required to approve housing development in a sustainable manner, having regard to the government's drive to meet housing demand, where any identified harm caused by a development is outweighed by the benefits of the scheme and any other material considerations. In addition, maintaining a balance of delivery of housing on the ground, and approval of new permissions, is necessary for the LPA's to demonstrate that it is being consistent with national policy.

Principle of development

- 5.1.7 On 11 August 2017, planning consent was granted to erect 180 new homes. The site on which the proposed houses are proposed was previously approved for 2 detached dwellings under application 14/00356/FUL. Consequently, the principle of is established.

5.2 Housing Need and Affordable Housing

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need and 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 NPPG 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.
- 5.2.2 Policy H2 of the approved LDP states that "all developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand". The Council therefore 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. The LHNA (2021) concludes that the District has a need for smaller dwellings, with the greatest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.
- 5.2.3 The proposal for 5no. residential units consists of a mixture of dwelling sizes as follows: 1 x 3-bed units, 2 x 4 bed units and 2 x 5 bed units,

- 5.2.4 Whist only one-fifth of the dwellings would comprise three-bed units, which is the greatest need within the district. It is the case that only three of these five buildings would actually be new additions to the development.
- 5.2.5 Turning to affordable housing, Policy H1 of the approved LDP requires 40% of the units would need to be affordable within strategic allocations at Maldon, Heybridge and Burnham-on-Crouch. Accordingly, as the Site falls within a Burnham-on-Crouch strategic allocation, the development is required to provide 40% affordable housing to comply with Policy H1. In addition, criterion 10 of Policy S6 requires that adequate provision is made for affordable housing.
- 5.2.6 The Maldon District Affordable Housing and Viability SPD (2019) provides more guidance about the Council's approach to affordable housing provision. The SPD provides additional information about the way approved LDP policies H1, H2 and H5 will work. Whilst the SPD sets out the preferred tenure mix as 70% Affordable Rent and 30% Intermediate Housing, the LHNA identified a tenure mix of 75% Rented and 25% Intermediate Affordable Housing, and this is what the LPA now seek to deliver.
- 5.2.7 It must be noted that the site has already been granted planning permission for two houses and as such these must be deducted from affordable housing requirements.
- 5.2.8 Two of the proposed five properties were previously secured as part of planning permission reference 18/00093/FUL. The previous Applications approved on this Strategic Site (18/00093/FUL, 19/01257/FUL, 23/00500/FUL, 24/00244/FULM) have met the required 40% Affordable Housing requirement with a slight over provision.
- 5.2.9 Taking account of this over provision, this current Application (24/00672/FULM) is required to provide 0.8% Affordable Housing. Policy H1 of the Approved Local Development Plan 2014 – 2029 states – “In exceptional circumstances the Council may consider accepting financial contribution from the developer where it is justified that affordable housing cannot be delivered on-site, or that the District’s need for affordable housing can be better satisfied through this route. Commuted sums will also be charged for an incomplete number of affordable units provided on site”.
- 5.2.10 To calculate the contribution required for a property or a percentage of a property it would be the cost to a Registered Provider (RP) that would be paid to the Developer for an affordable unit. Currently the greatest need in the district is for an affordable 3-bed house and the cost that a leading / developing RP in the district currently pays to a developer is £257,000.00. Therefore, the Commuted Sum required for 0.8 of an affordable property would be £205,600.00. The issue of accepting a Commuted Sum would be determined by Members and be detailed within the Section 106 Agreement.
- 5.2.11 Strategic Housing Services have contacted four Registered Providers developing / with stock in the district (two of which have stock on this Strategic Site) and received responses from three stating they would not consider purchasing/managing one affordable property. One of the two RP’s with stock on the Strategic Site advised they are not currently bidding for or developing Affordable Housing and the other two RP’s stated it was not cost effective for them to bid for and obtain one property.
- 5.2.12 The Applicant has proposed to pay a Commuted Sum in lieu of on-site affordable housing and Strategic Housing Services support this proposal that would greatly assist with alternative affordable housing to meet the needs of residents of the district.
- 5.2.9 Accordingly, the provision of affordable housing is consistent with Policy and S6 of the LDP.

5.3 Layout, design and impact on the character and appearance 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, at paragraph 131, states that:

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

5.3.3 Paragraph 139 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 any local design standards or style guides in plans or supplementary planning documents”.

5.3.4 This principle has been reflected in 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.

5.3.5 LDP 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). Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.3.6 Policy HO.5 of the BOCNDP states that development on the Maldon Road and Creeksea Lane frontages should respect the scale and character of existing development and should bring forward high quality designs. Similarly, HO.8 states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.

- 5.3.7 The general layout of development in terms of density and the grain of development follows the approach to the southern development, and thus would be appropriate in principle. In design terms, all of the development would be two-storeys in scale and detached. This scale and mix would also reflect that already built within the locality and would be in keeping. In addition, the same approach to the detailed design (with the use of projecting front gables, bay windows, stone cills and chimneys), and choice of materials (the palette includes red and buff brick, render with terracotta and grey roof tiles) would result in a high-quality development and assist in unifying this parcel of development with the existing residential development to the south.
- 5.3.8 The layout would ensure active frontages are maintained along the highway and public open space to ensure natural surveillance is achieved.
- 5.3.9 In terms of hard landscaping, block paving is proposed to be laid at all off-street parking areas. This is in keeping with the hard landscaping on the wider site. Overall, Officers are content that the level and quality of open space would be adequate to serve the development, and that the approach to hard and soft landscaping would be appropriate and contribute to creating a high-quality development.

5.4 Impact on Future Occupiers Amenity

- 5.4.1 In terms of amenity for future occupiers, the development provides sufficient and usable private amenity spaces, green infrastructure and public open spaces within the wider area. All dwellings would be provided with private gardens to meet with the standards set out in the adopted MDDG SPD (namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats).
- 5.4.2 In addition, all properties would be served by windows which would provide adequate light and outlook to all habitable rooms, and internally all dwellings would meet the Nationally Described Space Standards.
- 5.4.3 In terms of the potential impact upon future occupiers from noise disturbance, the Councils Environmental Health Officer raises no objections.
- 5.4.4 On this basis, it is considered that a good quality of life for the occupiers of the proposed residential units would be provided.

5.5 Impact on Neighbouring Residential Amenity

- 5.5.1 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). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.
- 5.5.2 The nearby residential properties are the existing dwellings to the north, beyond Maldon Road and those to the east, within the recently built (and now occupied) development. The layout and design of the proposed development has had regard to the siting and scale of these neighbouring dwellings. The distances between the side of the closest existing dwellings and the rear of the proposed developments meets with standards set out within the MDDG and there would be no unacceptable overlooking, loss of light, harm to outlook or similar.

5.5.3 In terms of impact on neighbouring residents during the construction period, a condition is recommended requiring the submission of a Construction Management Plan to ensure construction impacts are mitigated and/or minimised.

5.5.4 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

5.6 Heritage

5.6.1 The site lies outside of a Conservation Area and there are no nearby Listed Buildings to be impacted. The development remains acceptable in terms of these matters. However, the other consideration in relation to heritage relates to archaeology. Policy S6 requires a comprehensive and detailed archaeological assessment to be undertaken prior to development, and for development to preserve and enhance the quality of the archaeology of the location. Policy D6 requires that where development might affect archaeology, an assessment from an appropriate specialist must be carried out to identify the likely impact on known or potential heritage assets.

5.6.2 Planning permission was granted on the site as part of application 14/00356/FUL. Archaeological considerations were made as part of the assessment. It is not considered that the current proposal would have any additional detrimental impact in terms of heritage.

5.7 Access, Parking and Highway Safety

5.7.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP (2017) 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.

5.7.2 Policy S6 of the LDP requires that *"1) Development can be accommodated within the capacity of the Burnham-on-Crouch road network following appropriate mitigation measures and junction improvements"* and that *"2) Safe pedestrian, cycling and bridleway links are provided in from the development to the town centre..."*.

5.7.3 The application site would be accessed from Endeavour Way, just off Maldon Road (B1010).

5.7.4 Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards 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. In terms of parking provision for vehicles and bicycles, the standards as set out in the SPD for dwellinghouses are as follows:

- On plot parking: Minimum 1 parking space per dwelling; 1 space per 1-bed; 2 spaces per 2 – 3-bed; and 3 spaces per 4+bed;
- Visitor parking - 1 per 4 dwellings;
- Off street parking: at least 1 home charging point per dwelling

- Cycle parking: none if garages provided; otherwise, 1 per 1-bed unit, 2 per 2+beds unit; + 1 per 8 units (for visitors)
- 5.7.5 The proposed vehicle parking provision complies with the above standards, with on plot parking spaces provided in addition to garage spaces on many plots. All parking spaces and garages meet the size standards in the SPD for parking spaces and garages.
- 5.7.6 The layout plans do not show that any Electric Vehicle Charging (EVC) points are proposed as required by the SPD. However, EVC is now a requirement under Building Regulations, and there is no need for this to be secured via condition.
- 5.7.7 In terms of cycle storage provision, garages are provided for each dwelling, as such secure cycle storage can to be provided within, and this would be secured by way of a condition.

Conclusion

- 5.7.8 The Highway Authority concludes that from a highway and transportation perspective, the impact of the proposal is acceptable. It recommends a number of conditions be imposed, including the submission of a Construction Management Plan and laying out of parking.
- 5.7.9 Based on the above, it is not anticipated that the development would cause harm in relation to highway capacity or highway safety. The proposal is therefore considered to accord with Policies S6, D1 and T2 of the LDP.

5.8 Flood Risk, Surface Water and Foul Drainage

- 5.8.1 The application site is located within Flood Zone 1 on the Environment Agency (EA) Flood Map and therefore has a low probability of flooding. However, due to the site area being more than 1ha, a Flood Risk Assessment (FRA), prepared by Icen Consulting and dated June 2024, has been submitted as part of the application.
- 5.8.2 Policy S6 of the LDP requires appropriate surface water management mitigation measures are incorporated into the development, whilst Policy D5 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 EA. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.8.3 The FRA confirms the location within Flood Zone 1 (less than 0.1% annual probability of river or sea flooding), and also sets out that there is low risk to flooding from ground water, and no historic evidence of flooding as a result of surcharging public sewers within the vicinity of the site. Whilst the northeastern area of the site has 'medium' risk of flooding from surface water (a chance of flooding between 1% and 3.3% each year), a drainage system would be installed to mitigate against surface water flooding. The FRA indicates that this would include numerous SuDS features including an attenuation basin, swales, and permeable paving to slow down the time of concentration of the storm water.
- 5.8.4 Foul Water from the proposed development would be disposed of by discharging into the existing foul network of sewers. Anglian Water has previously advised that the foul drainage from this development is in the catchment of Burnham-on-Crouch Thames Water Recycling Centre that will have available capacity for these flows.

Accordingly, it is considered the sewerage infrastructure meets the requirements of criterion 9 of Policy S6.

- 5.8.5 Overall, the proposal is considered acceptable in relation to flooding and drainage, subject to conditions.

5.9 **Impact on Ecology, Biodiversity and Landscaping**

- 5.9.1 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, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.
- 5.9.2 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.
- 5.9.3 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. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that 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.

Ecology

- 5.9.4 The application is submitted with a Biodiversity Net Gain Assessment – (CSA Environmental Ltd, August 2024), the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, August 2024), relating to how mandatory biodiversity net gains will be secured for this application.
- 5.9.5 On the basis of the above supporting information, Officers are satisfied that there is sufficient ecological information available for determination of the application, and which provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and that with appropriate mitigation measures secured, the development can be made acceptable.

Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)

- 5.9.6 The application site falls within the Zol for one or more of the European designated sites (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 Zol of these sites cover the whole of the Maldon District. This means that the development could potentially have a likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination'.
- 5.9.7 In this instance, the LPA has prepared a Habitats Regulations Assessment prior to determination to demonstrate its compliance under the Conservation of Habitats and

Species Regulations 2017 (as amended) and to avoid Adverse Effects on Integrity of the designated Habitats sites from the development alone or in combination with other plans and projects. A financial contribution is also required in line with the RAMS, with the tariff of £163.86 per net new dwelling to be secured as part of the S106.

Biodiversity Net Gain

- 5.9.8 Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The application has been submitted with the Biodiversity Net Gain Assessment – Design Stage (CSA Environmental Ltd, August 2024) and the Statutory Biodiversity Metric – Calculation Tool (CSA Environmental Ltd, August 2024), which provide sufficient information for consideration.
- 5.9.9 In this case, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. This should be in line with the approved Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Landscape

- 5.9.10 As part of this application, an Arboricultural Impact Assessment has been submitted by Hallwood Associate in support of the proposal. It has shown the presence of 1 hedgerow (H1) and one offsite tree (T1), which would be considered a potential constraint on the scheme. These specimens are category B (T1) and category C (H1) and although category C trees are not a material considered, the proposal has shown that no trees have been outlined for removal and in addition none of the building footprints are within the root protection areas (RPAs). As such, this proposal can proceed subject to appropriately worded conditions.
- 5.9.11 In regard to the proposed hard and soft landscaping scheme, this has already been set out above, where it was concluded that the approach would result in an appropriate approach contrite to high-quality development and to provide significant biodiversity net gain.

5.10 Conclusion

- 5.10.1 The principle of development has been established on the site. Planning permission was granted in application 14/00356/FUL, and consent was given to construct residential dwellings on the site, as part of a wider development.
- 5.10.2 The application would deliver 5 no. dwellings in a sustainable location within Burnham-on-Crouch, with a policy compliant amount of affordable housing. The housing mix would comprise one-fifth as three-bed units.
- 5.10.3 The layout of development would follow the grain of existing developments to the south, and the detailed design of dwellings would also follow the same approach with the use of projecting front gables, bay windows, stone cills, chimneys, and a complementary palette of materials. Overall, the layout and design of the proposal would create a high-quality development.

- 5.10.4 The development would provide high quality amenity for future occupiers, and all the dwellings adhere to the Nationally Described Space Standards. Externally, private amenity space is provided in accordance with the Adopted Maldon District Design Guide. There would be no unacceptable impact to neighbouring amenity.
- 5.10.5 In terms of highways matters, Endeavour Way has adequate capacity to serve the development and the development would not have an adverse impact upon local highway safety. The Highway Authority has no objections from a highway and transportation perspective. Adequate parking would be provided for the development.
- 5.10.6 Matters in relation to landscape and ecology are satisfactory, and the development would deliver significant on-site BNG which would be secured for 30 years. In addition, the development would be acceptable in terms of flood risk and drainage.
- 5.10.7 It is recommended that planning permission 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.

6. ANY RELEVANT SITE HISTORY

6.1 The Relevant Planning History is set out below.

- **14/00356/FULM** – Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments. Approved Subject to S106.
- **17/01242/FULM** - Variation of conditions 39 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.). Approved.
- **17/01445/FULM** - Variation of condition 18 of approved application FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments.) Approved.
- **17/01033/NMA** - Application for non-material amendment following grant of Planning Permission of FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments) Amendment sought: Amendment to allotment aspect of area plan (drawing number 013-004-A04) to add clarity to what is proposed. Approved.

- **18/00093/FULM** - Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.
- **18/01424/FULM** - Variation of condition 18, 21 and 23 on approved planning permission FUL/MAL/18/00093 (Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments). Approved.
- **21/00013/NMA** - Application for non-material amendment following grant of Planning Permission 18/01424/FUL (Variation of condition 18, 21 and 23 on approved planning permission FUL/MAL/18/00093 (Variation of condition 18 on approved planning permission FUL/MAL/14/00356 (Application for full planning permission for 180 homes (including 20 bungalows), new vehicular accesses onto Maldon Road, the spine road through the development, green space, and associated infrastructure. Outline planning permission with all matters reserved (except for access) is sought for a 50-60 bed care home, a nursery school, 3.4 hectares of B1, B2 and B8 with 0.65 hectares of allotments)) Amendment sought: Roof tile colours on Plots 117-119. Approved.
- **23/00500/FULM** - Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure. Approved.
- **24/00244/FULM** - Construction of 63 dwellings (Use Class C3), and associated works, including informal and formal open space; vehicular, pedestrian and cyclist infrastructure; car and cycle parking; sustainable urban drainage; and infrastructure. Approved.
- **24/00856/NMA** - Application for non-material amendment following grant of planning permission 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Amendment sought: Revisions to the hedgehog hole locations in the hedgehog highways. Currently under consideration.
- **24/05071/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 3 - Samples or product details of the materials. Condition 6 - Tree retention and protection. Condition 7 - Surface water drainage. Condition 8 - Offsite flooding scheme. Condition 12 - Construction Management Plan. Condition 19 - Archaeological assessment. Condition 21 - Details of the waste collection. Discharged.

- **24/05129/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 25 - Biodiversity Enhancement Strategy. Condition 27 - Details of solar panels. Discharged.
- **24/05130/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 20 - Programme of archaeological work. Discharged.
- **24/05147/DET** - Compliance with conditions notification 23/00500/FULM (Erection of 37No. dwellings (including affordable housing) together with public open space, landscaping and associated works and infrastructure, including vehicular accesses, pedestrian links and drainage infrastructure.) Condition 26 - Lighting design scheme. Discharged.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	No objection.	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Awaiting response	
Essex County Council Highways	No objection	Noted
Essex County Council Education	Awaiting response	
(Lead Local Flood Authority – LLFA) Essex County Sustainable Drainage Team	Awaiting response	
Essex Police Designing Out Crime	Awaiting response	
Anglian Water	Awaiting response	

3.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Affordable Housing Officer	Awaiting response.	
Ecology Consultant	Recommend approval subject to attached conditions	Noted
Environmental Health	No comments or objections to this application	Noted

7.3 Representations received from Interested Parties

- 7.3.1 There have been third party representation received from 9 addresses, objecting to the development on the following grounds: -

Objection Comment	Officer Response
Impact on residential amenities of the adjoining property	Noted
Impact the proposed building types on the locality	Noted
Impact of the proposal on local infrastructure	Noted

8. **PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Affordable Housing:

25no. Affordable Housing comprising 0.8% of a unit.

ECC Monitoring Fees:

To pay the County Councils Monitoring Fee of £700 per obligation (financial and otherwise).

Essex Coast RAMS:

A financial contribution of £163.86 x 3 to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the Zol of the Essex Coast protected areas

Appointment of Management Company:

Secure the appointment of a management company for the development.

Indexing:

All contribution payments to be index linked.

S106 Legal and District Council Monitoring fees:

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

PROPOSED CONDITIONS:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

4. No development shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - Full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces.

The development shall only be carried out in accordance with the approved details.

REASON: To avoid the excessive raising or lowering of ground levels and therefore any buildings within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy, and to ensure that the development does not prejudice the appearance of the locality, in accordance with policy D1 of the approved Local Development Plan 2017. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

5. Within the first available planting season following the first occupation of the development, the hard and soft landscaping works as shown on the approved plans shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is 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 at the same place, unless the Local Planning Authority gives its written consent to any variation. REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
6. The hard landscaping works, including boundary treatments, as shown on the approved plans, shall be carried out prior to the first occupation of the development hereby approved, and shall thereafter be retained as such. REASON: In the interest of the character and appearance of the area as well as to ensure privacy for future residents in accordance with policy D1 of the approved Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
7. No development shall commence until fencing/ground protection to protect the hedges/shrubs to be retained has been erected in accordance with BS5837:2012, details of which shall have been submitted to the local planning authority for written approval. The protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site. REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
8. The protective fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made and no structure shall be erected. If within five years from the completion of the development a retained shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shrub or hedge 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.

REASON: In the interest of the character and appearance of the site, in accordance with Policies S1, D1, and D4 of the Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to the predetermined rate (as the site is part of a wider site).
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the effective treatment of surface water runoff to prevent pollution, in accordance with policy D5 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

10. Prior to first 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.

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 policy D5 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

11. 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 the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

12. 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 Plan shall include the following:

- Safe access in / out of the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The storage of top soil
- Wheel and underbody washing facilities
- Construction signage and traffic management
- Measures to control the emission of dust, dirt and mud during construction
- A scheme to control noise and vibration during the construction phase, including details of any piling operations

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period of the development.

REASON: In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4 T1 and T2 of the approved Maldon District Local Development Plan.

13. Prior to first occupation of the development and notwithstanding the width of the access as shown in principle on planning drawing no. H7660-BAH-XX-XX-DR-UD-203001 Rev P02, the shared vehicular access to the west of the site for plots 3, 4 and 5, shall be constructed at a width of 5.5 metres for the first 6 metres from the back edge of the carriageway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed with the Highway Authority.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.
14. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interest of highway safety in accordance with Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
15. Prior to first occupation of the development, cycle parking shall be provided in accordance with the Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
16. 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.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.
17. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
18. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the

WSI defined in Condition 17 and confirmed by the Local Authority archaeological advisors.

REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

19. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
20. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.
REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
21. The applicant will submit to the local planning authority a post excavation assessment which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
REASON: To protect the archaeology of the site, in accordance with Policy D3 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.
22. Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority, in line with the Ecological Impact Assessment (CSA Environmental Ltd, June 2024). 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.
 - 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.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2017.

23. Prior to the first occupation of the development hereby permitted, on site measures to avoid impacts from the development alone from recreation disturbance to the Crouch and Roach Estuaries SPA and Ramsar site and Essex Estuaries SAC shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the of the onsite measures will be in line with the approved Habitats Regulations Assessment and shall include the following:

- a) Purpose and conservation objectives for the proposed measures;
- b) Detailed designs of the interpretation board and leaflets;
- c) Timetable for implementation demonstrating that measures are aligned with the proposed phasing of development;
- d) Locations of proposed interpretation boards and dog waste bins by appropriate maps and plans; and
- e) Details of initial aftercare and long-term maintenance.

The measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To avoid Adverse Effects on the Integrity to the Crouch and Roach Estuaries SPA and Ramsar site and Essex Estuaries SAC and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended).

24. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) 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 conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

25. A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) is to be submitted to and approved in writing by the local planning authority.

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

- detailed designs or product descriptions for biodiversity enhancements; and
- locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023, s40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2014-2029.

26. Prior to commencement of development, a Habitat Management and Monitoring Plan, in line with the approved Biodiversity Gain Plan, must be submitted to the planning authority and approved in writing.

The content of the Habitat Management and Monitoring Plan should include the following:

- A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- A management and monitoring plan for off-site biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.
- The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the council at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow the Local Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), the NPPF 2023, s40 of the NERC Act 2006 (as amended) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Approved Maldon District Local Development Plan 2017.

24. Prior to occupation, a “lighting design strategy for biodiversity” in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District Local Development Plan 2017 and the policies and guidance contained within the National Planning Policy Framework.

25. Prior to the commencement of the development hereby approved, a Habitat Management and Monitoring Plan (HMMP), in line with the approved Biodiversity Gain Plan, must be submitted to the Local Planning Authority and approved in writing. The content of the Habitat Management and Monitoring Plan should include the following:

- a) A management and monitoring plan for onsite significant enhancements, including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Habitat Management and Monitoring Plan, with monitoring reports submitted to the Local Planning Authority at the specified intervals.

REASON: To allow the development to demonstrate mandatory biodiversity net gain and allow Local Planning Authority to discharge its duties under Schedule 7A to the Town and Country Planning Act 1990.

INFORMATIVES

1. General Good Practice Mitigation To Avoid Ecological Impacts During The Construction Phase

To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed.
- materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and
- should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

2. Sensitive Use Of Lighting To Avoid Impacts To Nocturnal Animals

To avoid impacting light sensitive nocturnal animals such as bats, the applicant is advised that any new external lighting should be installed in line with the [Guidance Note 8 Bats and artificial lighting](#) (The Institute of Lighting Professionals & Bat Conservation Trust, 2023). In summary:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm-White lights should be used preferably at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- Wall lighting should be located as low in height as possible and use of cowls, hoods, reflector skirts or shields could also be used to prevent horizontal spill. Movement sensors and timers could be used to minimise the amount of 'littime'.