



MALDON
DISTRICT COUNCIL

14 May 2025

Princes Road
Maldon
Essex CM9 5DL
www.maldon.gov.uk



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

CHIEF EXECUTIVE
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

DISTRICT PLANNING COMMITTEE on THURSDAY 22 MAY 2025 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:

VICE-CHAIRPERSON

COUNCILLORS

*These positions will be appointed at the Statutory
Annual Council meeting on 15 May 2025*

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

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



**AGENDA
DISTRICT PLANNING COMMITTEE**

THURSDAY 22 MAY 2025

1. **Chairperson's Notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the District Planning Committee held on 26 February 2025 (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. **24/00906/FULM New Commercial Building At Great Hayes Business Park, Lower Burnham Road, Stow Maries, Essex** (Pages 13 - 30)

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

6. **24/00911/VARM Land at Broad Street Green Road and Langford Road Maypole Road Great Totham** (Pages 31 - 58)

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

7. **25/00173/FUL Land At Broad Street Green Road And Langford Road And Maypole Road Great Totham** (Pages 59 - 90)

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

8. **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 – 7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Recording of Meeting**

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

Fire

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.

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**MINUTES of
DISTRICT PLANNING COMMITTEE
26 FEBRUARY 2025**

PRESENT

Chairperson Councillor M E Thompson

Vice-Chairperson Councillor N D Spenceley

Councillors M G Bassenger, V J Bell, S J Burwood, A Fittock, A S Fluker,
L J Haywood, K Jennings, K M H Lagan, W J Laybourn,
S J N Morgan, M G Neall, R G Pratt, U C G Siddall-Norman,
P L Spenceley, E L Stephens and N J Swindle

575. CHAIRPERSON'S NOTICES

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

576. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councilors D O Bown, J Driver, M F L Durham CC, J C Hughes, A M Lay, C P Morley, R H Siddall, W Stamp, CC, J C Stilts, S White, and L L Wiffen.

577. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 27 November 2024 be approved and confirmed.

578. DISCLOSURE OF INTEREST

There were none.

579. 24/01005/FUL LAND BOUNDED BY MALDON ROAD AND CREEKSEA LANE, BURNHAM-ON-CROUCH, ESSEX

Application Number	24/01005/FUL
Location	Land Bounded by Maldon Road and Creeksea Lane, 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	27.02.2025
Case Officer	Fiona Bradley
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

The Members' Update circulated prior to the meeting reported:

- a correction to the Burnham-on-Crouch Town Council consultation response detailed in the report.
- confirmation of the contribution required from the NHS toward healthcare provision.
- receipt of an informal Response from Essex County Council (ECC) Education confirming contributions would be sought.
- consultation response from Strategic Housing.
- amendments to the Heads of Terms of Section 106 agreement relating to affordable housing, education, and NHS provisions.
- an additional pre-commencement condition following further correspondence from Anglian Water.

During her presentation the Officer advised that a consultation response had been received from ECC in terms of education provision and she detailed the proposed contributions. Following this the applicant, Mr Houghton addressed the Committee.

Councillor S J N Morgan proposed that the application be approved, as per officer's recommendations including those within the Members' Update. This proposal was duly seconded.

Members commended the developer on allocating one of the proposed dwellings as affordable as an alternative option to a commuted sum.

Following a brief discussion, the Chairperson put the proposal in the name of Councillor Morgan and upon a vote being taken this was approved.

RESOLVED that this application be **APPROVED** subject to the applicant entering into a legal agreement pursuant to Section 106 (S106) of the Town and Country Planning Act 1990 (as amended) to secure planning obligations and the conditions as set out below

HEADS OF TERMS OF SECTION 106 AGREEMENT

Affordable Housing:

A financial contribution of £205,600.00 as a commuted sum to provision affordable housing.

Or

The developer would enter into a Deed of Variation proposing a separate standalone schedule in the S106 under 24/00244/FULM to change a market dwelling for an affordable rented dwelling on the approved 63 unit development. This would also be secured via a Section 96A application to regularise the previously approved tenure plan H8769-2A-SP-003D.

Education and Libraries

Early Years contribution £6,444; Primary education contribution £21,279; Secondary education contribution £17,347, Libraries contribution £233.40.

ECC Monitoring Fees:

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

NHS

A financial contribution of £1,206 is required to mitigate impacts on healthcare provision.

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 Zone of Influence 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.

CONDITIONS:

Pre-commencement condition:

No development shall take place, including any ground works or demolition, until a CCTV condition survey of the existing Anglian Water combined sewer within the site has been undertaken. Should the survey identify any necessary maintenance or works for the sewer, details of the maintenance or works, and the timing for it, shall be submitted to and approved in writing by the local planning authority in consultation with Anglian Water prior to commencement of development. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the drainage system implemented will adequately function and dispose of foul water from the site in accordance with policy I1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework

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 approved plans and documents as shown on the decision notice.

3. No development shall commence until 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 following information has been submitted to and approved in writing by the local planning authority.

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

4. Within the first available planting season following the first occupation of the development, the 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.
5. 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.
6. 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 be submitted to and approved in writing by the local planning authority.

The approved tree protection measures shall be erected before the commencement of any clearing, demolition and building operations and shall be retained in place until all construction 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 removal of the protection measures an existing tree, shrub or hedge is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree, 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.

7. 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.

8. 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.

9. 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 P05, 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 in consultation with the Highway Authority.
10. Prior to first occupation of the development and notwithstanding the details as shown in principle on planning drawing no. H7660-BAH-XX-XX-DR-UD-203001 Rev P05, the two proposed vehicular accesses to the east of the site for plots 1 and 2 shall be 4.5 metres wide for the first 6 metres from the back edge of the carriageway. Each access shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed in consultation with the Highway Authority.
11. No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
12. 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.
13. 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.
14. 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.

15. 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.

16. 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.

17. Prior to first occupation 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 plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

There being no other items of business the Chairperson closed the meeting at 7.55 pm.

M E THOMPSON
CHAIRPERSON



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

to
**DISTRICT PLANNING COMMITTEE
22 MAY 2025**

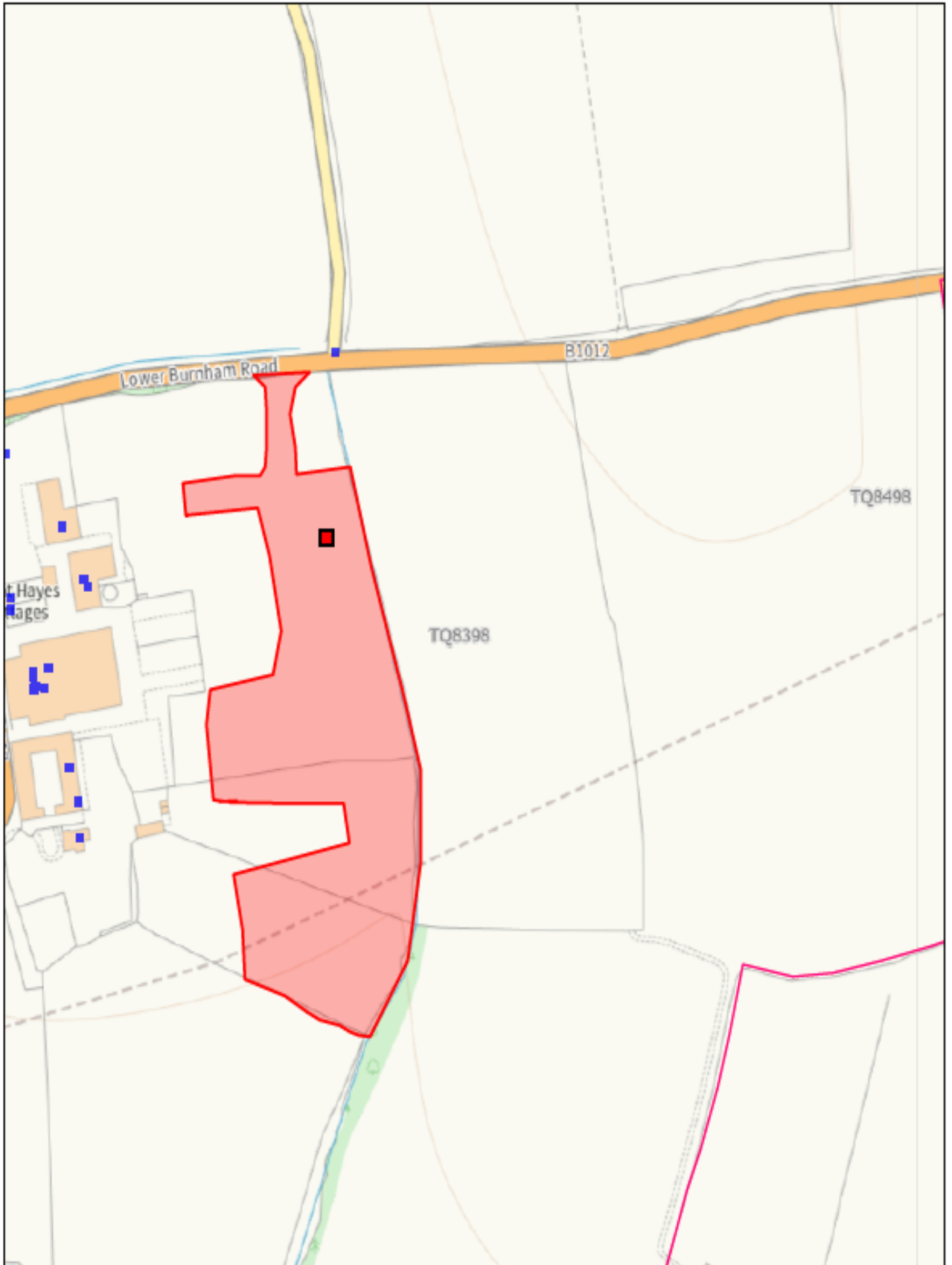
Application Number	24/00906/FULM
Location	New Commercial Building At Great Hayes Business Park, Lower Burnham Road, Stow Maries, Essex
Proposal	Development of a new winery unit environmental water treatment plant and attenuation area with new highway access and landscaping enhancements
Applicant	S Hollington
Agent	Miss Kate Jennings, Whirledge & Nott
Target Decision Date	29 May 2025 (EOT agreed)
Case Officer	Matt Bailey
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Major application - Part of strategic allocated site within the Local Development Plan

1. RECOMMENDATION

APPROVE subject to the conditions as detailed in section 8 of this report.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Site Description

- 3.1.1 The Great Hayes Business Centre is located to the south of the Parish of Stow Maries on the Lower Burnham Road. The application site itself extends to 2.57 hectares of land to the eastern side of the Business Centre and mainly comprises open grassland which slopes gently downwards from west to east. A number of trees are present along the eastern boundary which screen the site.
- 3.1.2 The majority of the site is allocated in the Maldon District Local Plan (2017) for employment development (Policy E1 (t)). The Business Centre currently consists of a number of warehouse buildings with single storey offices adjacent to the highway and includes a veterinary practice. Further commercial development at the Business Centre has also recently approved under planning permission 23/00837/FULM.
- 3.1.3 The Business Centre is currently accessed via two existing vehicle access points along the western boundary, with formal and informal parking is spread across the site.

3.2 The Proposal

- 3.2.1 Planning permission is sought for the construction of a new winery building to the eastern side of the Business Centre, an updated Living Water Treatment Plant and surface water attenuation pond to the south of the site, and a new industrial grade vehicular access to the winery and wider Business Centre taken from Lower Burnham Road along the northern site boundary.
- 3.2.2 The proposed winery building would be set back approximately 100m south of Lower Burnham Road highway and would measure 60.8 metres in length and 39.6 metres wide, with an overall ridge height of 11 metres (6.2m to eaves). A smaller open sided canopy area measuring 11.7m in length by 10.4m wide oversails the loading area, at a lower height than the main roof (7.7m to ridge, 6.5m to eaves). An aerated storage tank is also proposed to the north of the service yard, with a diameter of 21 metres and height of 4 metres.
- 3.2.3 The unit would be occupied by an established wine producing company and would provide a local processing unit for a number of vineyards within the Dengie area to reduce travel distance for grapes being processed (which are currently transported to Kent, Sussex Hampshire and Dorset for processing). The facility would be operated during normal weekday business hours for the majority of the year (08.00-18.00 Monday to Friday), with extended operating hours proposed during the harvest season, usually between September – November (see section 5.3 for discussion).
- 3.2.4 The proposed winery building has been designed to reflect the appearance of existing structures at the site - finished in dark grey corrugated metal sheeting – and would have the appearance of an agricultural barn in views from the east.
- 3.2.5 The proposal also includes provision for a living water treatment beds and a surface water drainage attenuation pond to the south of the site, which would address drainage requirements for both the winery site and the development approved under permission 23/00837/FULM.
- 3.2.6 The winery building would be accessed from Lower Burnham Road along the northern boundary of the site, by way of a newly constructed junction that will also serve the wider Business Centre and the development recently approved under

planning permission ref 23/00837/FULM. Two other access points link to the existing highway infrastructure within the site and to the existing main entrance to the west.

3.2.7 The proposal would provide a total of 33 parking spaces, 20 of which are located within the winery compound and a further 13 along the access road to the south (linking to the approved development under 23/00837/FULM).

3.2.8 In addition to the existing and proposed plans, the proposal is supported by the following documents:

- Planning statement prepared by Whirlledge & Nott;
- Design & Access Statement and Full Plans prepared by Arcady Architects;
- Transport Assessment prepared by Ardent Consulting Engineers;
- Ecology Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment and Landscaping prepared by Plumb Associates;
- Built Heritage Statement prepared by RPS Group Ltd;
- Surface Water Drainage Strategy prepared by Ardent Consulting Engineers;
- Acoustic Report by Healthy Abode Acoustics ;
- Health Impact Assessment by Aval Group;
- Arboricultural Report by Andrew Day Consultancy

3.3 Conclusion

3.3.1 The wider site is currently operational in employment use and already makes a positive contribution to the Local Development Plan's (LDP's) employment objectives. It is mostly allocated for employment development under LDP Policy E1 (t) and as such is suitable for the proposed use. The section of the application site to be developed for the winery (excluding the attenuation pond and filter beds to the south) would fall within the boundaries of the allocated employment site and the use proposed would fall within the parameters of the policy.

3.3.2 The development proposed would also address an increased demand for local wine processing from vineyards in the Dengie area, some of which currently transport grapes to Kent, Sussex, Hampshire and Dorset for wine production. The creation of a local facility and the reduced need for transportation of goods is considered to represent a substantial economic and sustainability benefit of the proposal.

3.3.3 The scale, massing and detailed design of the proposed building would be similar to existing structures at the Business Centre (and those approved under permission 23/00837/FULM) and would result in the winery having the appearance of an agricultural building. The proposal is therefore considered acceptable in terms of its effect upon the character and appearance of the area.

3.3.4 The proposed living water treatment beds and attenuation ponds have been developed following initial discussions regarding overall site drainage at the time of the original application (23/00837/FULM) and will seek to ensure that the wider Business Centre does not adversely affect surface water and foul drainage capacity in the local area. Whilst the system is located outside of the confines of the employment allocation, it is not considered to not result in any harmful impact on the intrinsic character and beauty of the open countryside.

3.3.5 In terms of other matters, it is considered that sufficient information has been provided to conclude that the development is acceptable in terms of highway safety and does not raise any insurmountable issues regarding ecology, residential amenity,

drainage, ground conditions or trees that could not be satisfactorily addressed by condition.

- 3.3.6 For the reasons summarised above the proposed development is considered to accord with relevant provisions of the National Planning Policy Framework (NPPF) and the LDP including policies S1, E1, N2, D1 and T2, and is recommended for approval permission accordingly.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (2024) 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
- 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, coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Communities
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation & Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy E1 - Employment
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services
- Policy I2 – Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide SPD (MDDG) (2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and Paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 Policy S7 of the Maldon Local Development Plan states that the Council will actively seek to support and facilitate sustainable economic development within the villages through the retention of key employment and retail designations in accordance with Policies E1 and E2. Policy S8 states that planning permission for development will only be permitted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a type of development listed within a closed list of criteria. Policy S8 b) Employment generating proposals (in accordance with Policy E1) applies in this instance.
- 5.1.3 Policy E1 states that the Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). This will be achieved through the regeneration, modernisation and expansion of existing employment sites. As part of Policy E1, a total of 11.4 hectares of new class B use employment land has been allocated at a number of sites, including at Stow Maries (Great Hayes Business Centre). As defined within the Policies Map, new employment space is allocated at the Great Hayes Business Centre by an extension measuring a total of 1.8 ha to the existing employment site, ref. E1(t). The appropriate uses of the allocated employment area are indicated within the LDP as B1, B2 and B8. It should be noted that as part of the Government's recent review of the Use Classes Order 1987 (as amended), some of these use classes are now revoked and have formed a new Use Class 'E'.
- 5.1.4 Policy E1 states that planning applications for new employment space will only be permitted for employment purposes if they accord with the use class specified. Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations. Mixed-use development on existing employment land and premises will only be considered appropriate where it includes a substantive Class B employment element that will support economic growth within the District. Mixed-use redevelopment will not be considered acceptable in employment areas where it will detrimentally impact upon the quality of the site for employment uses.
- 5.1.5 The proposed development in this case would result in the provision of an additional 2,079 square metres of B2 employment floorspace (wine processing). This would comply with the provisions of Policy E1 as set out above.

5.1.6 With regard to the impact on the intrinsic character and beauty of the open countryside, no technical objections have been received in this regard. Whilst the proposal would result in an expansion of the site eastwards, the scheme would remain within the confines of the employment allocation and would be well screened by existing planting along the eastern boundary. Likewise, no technical objections have been raised regarding the impact on highways and transportation or the environment. Suitable mitigation measures can be secured via the imposition of a condition on any forthcoming permission. The proposal has been found to generally accord with Policies S1, S7, S8 and E1 of the LDP and the guidance contained in the National Planning Policy Framework. The merits of the scheme are assessed below.

5.2 Design and Impact on the Character of the Area

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policy D1 of the LDP and The MDDG (2017) are relevant in this respect.

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

5.2.3 Although the Great Hayes Business Park is an allocated Business Park it is in a rural countryside location outside of any defined settlement boundary. To the east and south of the site are open expanses of fields. The proposed building in this case is located to the eastern side of the site, along the boundary with the open countryside.

5.2.4 The scale, massing and detailed design of the proposed winery building would be similar to existing structures at the Business Centre (and those approved under permission 23/00837/FULM) and would result in the winery having the appearance of an agricultural building. The proposal is therefore considered acceptable in terms of its effect upon the character and appearance of the area.

5.2.5 Whilst the proposed new access to the site via the northern boundary would result in some loss of planting, it is noted that additional landscaping is proposed across the site that would help to break down the hard edges of the new development. A condition can be imposed to secure this and boundary treatments. Whilst the proposal would extend into what is an existing area of open grassland to the east, it is well screened by the existing tree line along the eastern boundary. The provision of an attenuation pond, and treatment works to the south would not introduce any additional built form or erode the intrinsic character of the open countryside.

5.2.6 Overall, it is considered that the proposed winery building would appear as a logical extension to the Business Park, and in the context of the development already approved under application ref 23/00837/FULM). The proposal therefore accords

with LDP policies D1, D3 and H4, the Maldon District Design Guide (2017), and relevant guidance in the NPPF.

5.3 Impact on 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.
- 5.3.2 Although the nature of the use would be compatible with the use of the existing employment site, it is noted that the proposed development would result in increased levels of activity at the site over and above the development already approved under application ref 23/00837/FULM. Consideration must therefore be given to any potential impact of the development upon the living conditions of the occupiers of nearby residential properties located further west of the application site at Great Hayes Cottages and High Hall Cottages.
- 5.3.3 Owing to the position of the building to the eastern boundary, the development would not result in a loss of privacy or daylight and sunlight to the neighbouring dwellings, nor would the development appear unduly overbearing.
- 5.3.4 With regard to noise impacts the Council's Environmental Health Officer (EHO) had previously advised (in relation to application 23/00837/FULM) that given the existing nature of the development site, the proposed uses of the new buildings, their location and layout, as well as the existing noise climate which is dominated by road traffic at the closest noise sensitive receptors, there would be no requirement for a noise impact assessment.
- 5.3.5 Notwithstanding this position, a noise impact assessment was submitted as part of the winery proposal, which concluded that the development would have some minor impacts during harvest periods (for which extended 24 hour operation is sought). The EHO had raised initial concerns regarding potential noise impact during these proposed 24 hour operational periods, however following discussions it has been suggested that further information be sought from the applicant in the form of a Noise Management Strategy to be secured by way of planning condition, which would be submitted to and approved in writing prior to occupation of the development. This would provide details of the proposed acoustic screening (and associated noise level calculations), hours of operation, specification of harvest dates and 24 hour operation periods, areas within the site where noise generating activities are more likely to occur, and associated mitigation / best practice relating to limitation of noise during working hours.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposal is supported by a Transport Statement (TS) which includes information with regard to 'Trip Attraction' and 'Traffic Impact and Junction Capacity Analysis'.

- 5.4.3 Noting that the site is an allocated employment site under Policy E1 (t) of the LDP Essex County Council as Highway Authority (HA) have advised that the submitted TS is robust and that they are satisfied the proposal will not have a severe impact on the highway at this location or the surrounding highway network. They also consider that no further junction assessment is necessary given the low percentage impact on the highway as a result of the proposal. The HA thus conclude that the proposal would not be detrimental to highway safety, capacity or efficiency subject to conditions including: a Construction Management Plan, and implementation of visibility splays.
- 5.4.4 For the reasons summarised above, subject to the recommended highway conditions, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan 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. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.5.2 The application site is located entirely within Flood Zone 1 (low risk of flooding). However, due to the site being larger than 1ha, a Flood Risk and SUDS Statement has been provided. Essex County Council's Drainage Team as the Lead Local Flood Authority have confirmed that the proposal is acceptable in drainage terms subject to conditions.
- 5.5.3 The Council's Environmental Health Officer has advised that they have reviewed the Drainage Statement and associated drainage strategy (previously required in associating with condition 16 of the approved 23/00837/FULM scheme) and consider that the proposed scheme would adequately provide both foul and surface water drainage to serve both the application site and the wider development already approved. A condition would be required the implementation of the drainage scheme prior to occupation of the development.
- 5.5.4 For the reasons summarised above the proposal is considered to accord with the relevant requirement of LDP policies D2 and D5 and related relevant provisions of Section 14 of the NPPF relating to flood risk and drainage.

5.6 Ecology and Impact on European Designated Sites

- 5.6.1 Paragraph 174 of the NPPF (2023) states that 'planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.6.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 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. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and

/ or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.6.4 The proposal is supported by a Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (Plumb Associates, October 2024). The proposal has been reviewed by the Council's Ecological Consultant, who has confirmed that the mitigation measures set out in the PEA are acceptable and can be secured via the imposition of a condition on any consent and implemented in full. The proposed reasonable biodiversity enhancement, including hedgerow planting, tree planting and a wildlife friendly soft landscaping scheme which have been recommended by the PEA to secure net gains for biodiversity should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.
- 5.6.9 In addition, the PEA highlights that it is likely that bats could be foraging / commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts.

5.7 Other Matters

Health Impact Assessment

- 5.7.1 As the proposed development is in excess of 1000 square metres, the proposal is supported by a Health Impact Assessment (Aval Consulting Group, November 2024).
- 5.7.2 The proposal is for a wine processing building (B2 use). The proposal would not trigger a requirement for social infrastructure, in terms of education needs and will not impact on health and social care services. Soft landscaping is proposed along the northern and eastern boundaries and will provide for biodiversity net gain. Newly planted trees would also be introduced. The Arboricultural Report (Andrew Day Arboricultural Consultancy Ltd, August 2023) submitted to support the proposal confirms that the final landscaping scheme can be secured via the imposition of a condition on any planning consent. The site would connect to Footpath 16 Stow Maries to the north of the site.
- 5.7.3 Cycle parking provision would be secured via the imposition of a condition on any consent. The Transport Assessment submitted with the application (Ardent, November 2024) supports the proposal, and this has been found to be acceptable by the Highway Authority. No objection has been received from Essex Police.
- 5.7.4 A landscaping scheme would be secured via the imposition of a condition on any consent. The Council's Ecological Consultant has confirmed that the proposal would result in a net gain in biodiversity, and this can be secured via the imposition of a condition on any consent. A SUDS strategy has been prepared to support the proposal and an attenuation pond is proposed – this has been supported by Essex County Council's SUDS team.

Waste Management

- 5.7.5 Whilst no response has been received from the Council's Waste Management team, it is noted that the proposed winery is located within a fenced compound that would have sufficient capacity for the storage of refuse. The onus would be on the applicant to arrange commercial waste agreements for the future occupiers of the site.

Pre-commencement conditions

- 5.7.6 Pursuant to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority must obtain the written agreement of the applicant to the terms of any pre-commencement condition recommended before it can be imposed on any planning permission granted. In this case a pre-commencement condition is required with regard to the submission and approval in writing of a Construction Management Plan. Agreement to this has been received via email from the agent.

6. ANY RELEVANT SITE HISTORY

Reference	Proposal	Status
23/00837/FULM	Demolition of 2 no. dwellings and erection of 5 no. commercial units, new internal road layout and car parking provision	Approved – 01.04.2024
17/01219/FUL	Change of use of an agricultural building to a B1 light industrial workshop use.	Approved – 5.07.2018
16/00521/FUL	Infill extension to existing B1 unit.	Approved – 9.05.2016
11/01031/FUL	Proposed new single storey business unit with canopy link to existing business unit (B1 use) and additional parking area.	Approved – 7.12.2011
10/00475/FUL	Convert office unit into Veterinary Surgery.	Approved – 2.08.2010
09/00702/FUL	Change of use of agricultural buildings to Business Use (B1). Re-roofing and cladding of existing cow shed. Demolition of existing dairy building and construction of new 'lean-to' business units.	Approved - 29.09.2009

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Stow Maries Parish Council	The members support this application as it will bring local employment, be good for the agricultural area and will lower the carbon footprint as it is designed to serve many of the vineyards in the area and they will not have to send their crop out of the county to be processed.	Noted and discussed at Paragraph 5.4 of this report.

7.2 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns raised regarding potential noise emissions during harvest season (when 24 hour operation is proposed). Conditions are requested requiring the provision of details of the proposed acoustic screening and noise management measures on site in	Noted, and discussed at Paragraphs 5.3 and 5.5 of this report.

Name of Internal Consultee	Comment	Officer Response
	order to overcome these concerns. Proposed drainage strategy is considered acceptable.	
Waste Management	No comments received	

7.3 External Consultees (summarised)

Name of External Consultee	Comment	Officer Response
Highway Authority	No objections, subject to the imposition of conditions regarding the implementation of the supporting Construction Management Plan (which has been submitted), visibility splays, access arrangements, cycle parking and the submission to the Local Planning Authority (LPA) of a Workplace Travel Plan.	Noted, and discussed at Paragraph 5.4 of this report.
Essex County Council (ECC) Drainage	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions for: accordance with the approved FRA and its mitigation measures; maintenance arrangements; logs of maintenance; existing pipes cleared of any blockage and restored.	Noted, and discussed at Paragraph 5.5 of this report.
Ecological Consultant	We have reviewed the Preliminary Ecological Appraisal (Plumb Associates, October 2024), the BNG Statement and Condition Assessment (Plumb Associates, November 2024), Statutory Biodiversity Metric – Calculation Tool (November 2024) relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and mandatory Biodiversity Net Gains. We are satisfied that there is sufficient ecological information available for determination of this application. No objection subject to securing biodiversity mitigation and enhancements.	Noted, and discussed at Paragraph 5.6 of this report.
Arboricultural Consultant	No objection. A condition of any consent is required to ensure the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) are implemented. Landscaping can be secured via the imposition of a condition on any consent.	Conditions recommended to ensure this.

Name of External Consultee	Comment	Officer Response
Archaeological Consultant	The proposed works are within an area that has already been extensively disturbed. No recommendations made with respect to this application.	Noted
Essex Police Designing out Crime Team	Whilst there are no apparent concerns with the layout of this site, Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Commercial Developments.	Noted
Anglian Water	First response - Object due to proximity of sewer to the south of the site. Second response – PLA required to consult LLFA (Essex County Council) in relation to drainage.	Noted – the sewer has been confirmed as being unaffected by the proposal subsequent LLFA have been consulted (see above)

7.4 Third Party Representations

- 7.4.1 The application was advertised by way of a series of site notices posted on 18 December 2024 (with expiry date for comments set at 12 January 2025). The site notices were affixed at eye level to a telegraph poles located to the north of the site (opposite Church Lane) at the approach to the south-western corner of the Business Centre (approximately 10m to the west of the site, and adjacent to the main entrance itself.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 19 December 2024 (with expiry date for comments set at 9 January 2025).
- 7.4.3 No letters of representation have been received in response to the notices above.

8. PROPOSED 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 approved plans as set out by the Decision Notice.
3. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for; a. the parking of vehicles of site operatives and visitors, b. loading and unloading of plant and materials, c. storage of plant and materials used in constructing the development, d. wheel and underbody washing facilities.

5. Prior to first occupation of the development and as shown in principle on planning drawing no. 2106121-ACE-XX-00-DR-C-0501 Rev 1.2, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 164 metres to the east, and 2.4 metres by 117 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
6. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, October 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.
7. Prior to any works above slab 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 occupation and shall be retained in that manner thereafter.

8. If external lighting is proposed, prior to beneficial use, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and location 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.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (05/03/2025) and the following mitigation measures detailed within the FRA:
 - Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 33.4l/s.

- 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 2 within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
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. Prior to the first occupation of the development the cycle parking, as indicated on the approved plans, shall be provided and retained as such for the life of the development.
13. Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.
14. Prior to first occupation of the proposed development, a Noise Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy should include:

- 1) Detailed drawings of proposed acoustic screening around the site;
- 2) Updated noise calculations relative to the proposed screening and key areas within the site potentially generating noise (eg delivery areas, machinery);
- 3) Operating hours, seasonal dates for 24h operation and anticipated timing/number of deliveries during normal and harvest seasons;
- 4) Operational guidance/best practice to limit potential for noise spillage at all times.

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

15. The development hereby approved shall be carried out in accordance with the 'Tree Protection Plan Whole Site', 'Tree Protection Plan Red Line Area' and 'Arboricultural Report' (Andrew Day Arboricultural Consultancy Ltd, 3rd October 2024) as approved as part of this permission.
16. Prior to any works above slab level, a full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site.

These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes,

- seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

Hard landscape works

- 1) Details of walls with brick types, construction design and dimensions
- 2) Details of surfacing, with materials finishing and edgings
- 3) Details of any street furniture, with designs materials and dimensions

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

17. Prior to the first occupation of the development, the foul and surface water drainage scheme as detailed by the approved Drainage Statement Report by Ardent Construction Engineers, Ref 2106121-RO1, dated October 2024, shall be installed and implemented and available to serve the drainage requirements of the development.

INFORMATIVES

1. Biodiversity Net Gain

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. **Highways**

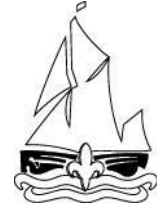
All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Application Drawings and Documents

- 19/20/251 Rev B - Location Plan;
- 19/20/252 Rev B - Existing Site Plan;
- 19/20/253 Rev E - Proposed Site Plan;
- 19/20/254 Rev B - Proposed Plans;
- 19/20/255 - Proposed Roof Plan;
- 19/20/256 - Proposed Elevations & Section;
- 01 Rev A - Landscape Proposals;
- Planning statement prepared by Whirlledge & Nott;
- Design & Access Statement and Full Plans prepared by Arcady Architects;
- Transport Assessment prepared by Ardent Consulting Engineers;
- Ecology Preliminary Ecological Appraisal (PEA) prepared by Plumb Associates;
- Biodiversity Net Gain (BNG) Report prepared by Plumb Associates;
- Assessment and Landscaping prepared by Plumb Associates;
- Built Heritage Statement prepared by RPS Group Ltd;
- Surface Water Drainage Strategy prepared by Ardent Consulting Engineers;
- Acoustic Report by Healthy Abode Acoustics ;
- Health Impact Assessment by Aval Group;
- Arboricultural Report by Andrew Day Consultancy.

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

to
**DISTRICT PLANNING COMMITTEE
22 MAY 2025**

Application Number	24/00911/VARM
Location	Land at Broad Street Green Road and Langford Road Maypole Road Great Totham
Proposal	<p>Variation of condition 20 on planning permission 15/00419/OUT approved on appeal (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). <p>The proposed change to the condition would alter the trigger for the provision of that part of the Relief Road that lies between Langford Road and Maypole Road to be fully completed from 'prior to the occupation of the 100th dwelling' to 'prior to the 26 September 2025'.</p>
Applicant	Vistry Group
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	31.05.2025 (Time Extension agreed with applicant)
Case Officer	Chris Purvis
Parish	GREAT TOTHAM, HEYBRIDGE, AND LANGFORD AND ULTING
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Major Application

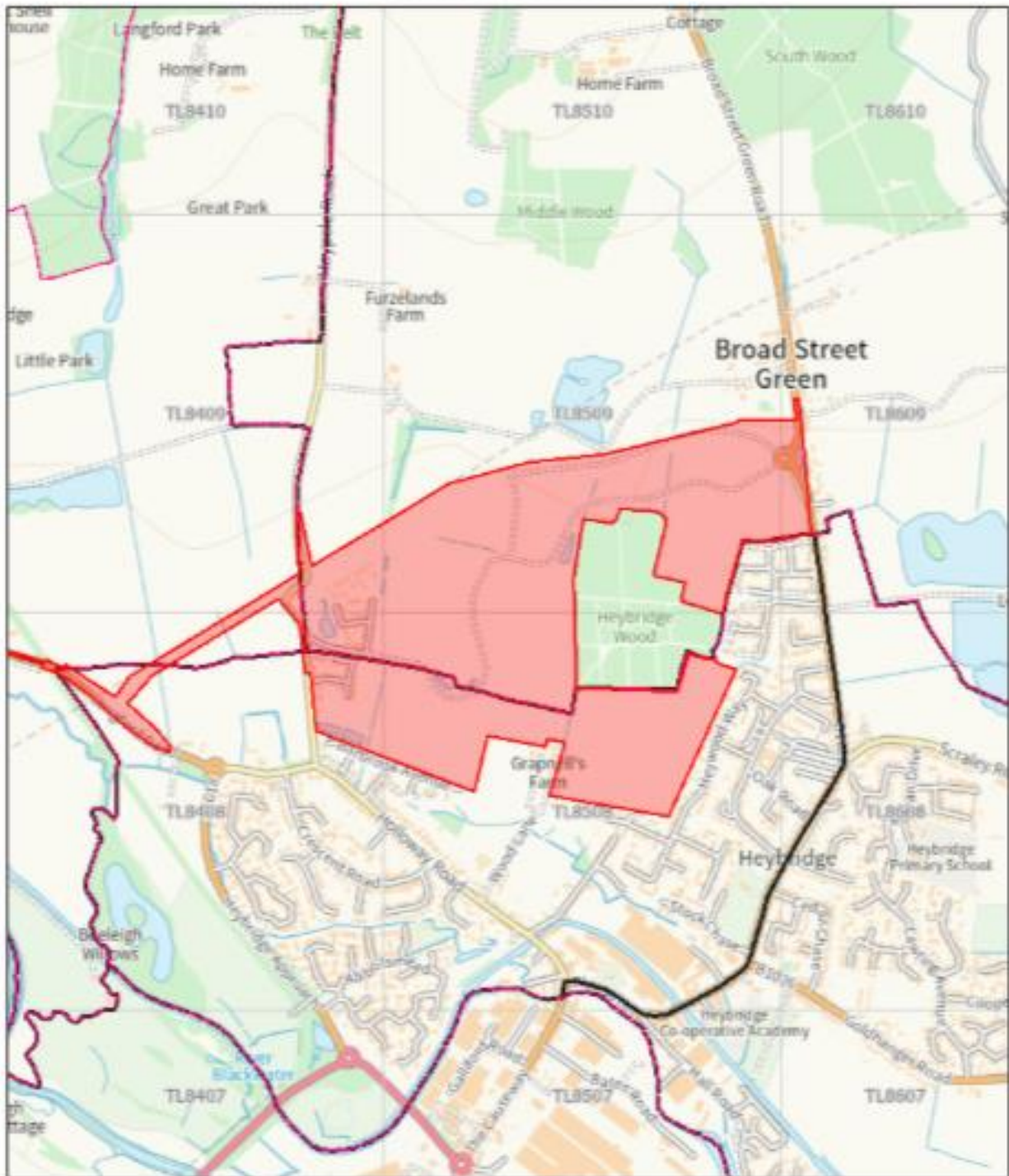
1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 9 of this report) and subject to the Section 106 legal agreement from planning permission reference 15/00419/OUT.

2. SITE MAP

Please see below.

24/00911/VARM



3. **SUMMARY**

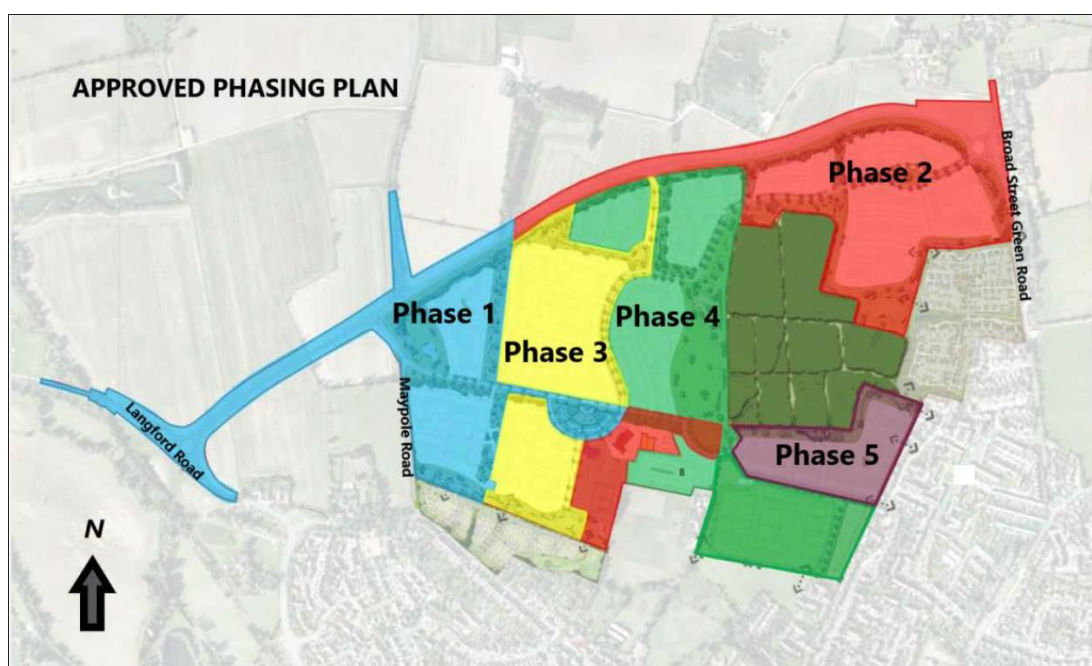
3.1 **Proposal / brief overview, including any relevant background information**

Background

3.1.1 The application site relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb (NHGS) 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. That permission allowed a part outline/part detailed (hybrid) application for mixed use development including the following:

- (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)
- (iv) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
- (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 than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).

3.1.2 Following the granting of planning permission, a strategic phasing plan was submitted to comply with condition 11 of planning permission. The map below shows how the site is evolving:



- 3.1.3 Relevant to this application is the full planning permission element of the permission which includes the Relief Road.
- 3.1.4 The construction of the Relief Road has already commenced and is substantially complete. When fully completed it would form the northern boundary of the North Heybridge Garden Suburb for planning permission reference 15/00419/OUT. The Relief Road will link Langford Road in the west with Broad Street Green Road in the east. The alignment of the Relief Road is in accordance with the North Heybridge Garden Suburb Strategic Masterplan Framework (SMF) which was approved by the Council as a material consideration for Development Management purposes in October 2014. The Relief Road is 7.3m wide and will be subject to a 50 mph speed limit. When completed it will terminate at a roundabout junction at its western end linking to the existing road network (Langford Road), close to the existing roundabout junction with Heybridge Approach. There is also a roundabout junction at the eastern end of the Relief Road where it meets Broad Street Green Road. The Relief Road is intersected by Maypole Road, which has become a staggered junction off the Relief Road (offset by 90m) with right hand turning lanes and slipways to ease access on to and off the Relief Road. The Relief Road would include the four principle points of access into the residential development area that forms the North Heybridge Garden Suburb.
- 3.1.5 The drainage ditches which run north to south and down the site will be held in culverts under the road. The Relief Road will have a landscaped and acoustic bund on its southern edge to mitigate noise impact on the Garden Village site. These acoustic bunds were required by condition 19 planning permission reference 15/00419/OUT and have already been approved through application references 22/05109/DET and 21/00961/RES.
- 3.1.6 Since planning permission reference 15/00419/OUT was allowed on appeal detailed permission for 902 homes has been consented through a series of reserved matters applications. In total 10 of the 12 land parcels have been subject to the commencement of development with land parcels 8 and 9 still yet to be developed but are subject to either live applications or future applications expected. Construction of the development began in March 2022.
- 3.1.7 The agent's documentation confirmed that as of 17 October 2024, 88 properties were occupied.

Site Description

- 3.1.8 The site is located to the north of the village of Heybridge. The application site extends to 76.4 hectares and is irregularly shaped extending to Broad Street Green Road in the east and Lanford Road to the west. The site surrounds Heybridge Wood. The site was previously mainly agricultural land prior to its allocation through the Local Development Plan (LDP). The site is now known as 'Westcombe Park'.
- 3.1.9 The site includes occupied dwellings from some of the phases of development, dwellings under construction and the remaining parcels of land that have not yet been subject to development.
- 3.1.10 The Relief Road, which is the main subject of this application, runs along the northern side of the North Heybridge Garden Suburb as explained above.

Description of the Proposal

- 3.1.11 This application seeks a variation of condition 20 of planning permission reference 15/00419/OUT approved on appeal in 2019. The description of that development is detailed at paragraph 3.1.1 above.
- 3.1.12 The variation of condition 20 would alter the trigger for the provision of part of the Relief Road, which is the section of road that lies between Langford Road and Maypole Road at the western end of the road. It is this section of the relief road that is due to be opened first for vehicular traffic.
- 3.1.13 The current wording of the condition states:
- 20) *Prior to the occupation of the 100th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 3.1.14 The proposed variation to the wording of the condition under this application would be as follows:
- 20) *Prior to 26 September 2025, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 3.1.15 Whilst not subject to any proposed changes, but to be aware for completeness, condition 21 of the substantive application 15/00419/OUT, requires the entirety of the Relief Road to be open for use by the 350th occupation, which involves the eastern section of the Relief Road.
- 3.1.16 The applicant has explained that the Relief Road was substantially completed by mid-2024 but the works into Langford Road and the existing bridge has proved to be technically complex and requires the temporary road closure of sections of Langford Road in order to undertake the works. The applicant has sought Essex County Council (ECC) Highways agreement for the temporary closure of Langford Road which would have originally been in the later part of 2024, however, this was not possible and therefore the applicant has been working the ECC Highways to identify the best time to undertake these works. In working with ECC Highways it has been agreed that the best time for programming the works would be in the summer 2025 school holidays when traffic levels are lower, and this would reduce disruption.
- 3.1.17 The applicant has shared a press release, and a copy of the letters issued to residents of Langford Road explaining the timetable for the works in three phases, with the first phase between 30 June to 22 July and the third phase between 1 September and 19 September, which would both involve temporary traffic signals whilst Langford Road and Maldon Road remains open to traffic. The second, and middle phase, would result in a full road closure period between 23 July 2025 to 31 August 2025 with diversions in place over the school summer holidays.
- 3.1.18 The application includes the following documentation in support of the proposed variation:
- Covering letter
 - Planning Statement
 - Technical Note
 - Works Programme

- Location Plan
- A series of photographs to show the works so far to the Relief Road's construction.

3.2 Conclusion

- 3.2.1 The proposed variation of condition 20 to alter the full delivery of the Relief Road from a housing occupation trigger at the occupation of the 100th dwelling, to a date based delivery by 26 September 2025 represents a relatively short extension of the actual delivery of full opening given that the 100th occupation has already been reached as the applicant has confirmed that the site was at 150th occupation of dwellings as of 16 April 2025.. The date of 25 September has been agreed with the Highway Authority for the necessary approvals to be in place for the commencement of the works in the summer of 2025 and subsequent full delivery of the Relief Road. The delay in the opening of the relief road raises no substantive consequential impacts in both Planning and Highway terms and the proposed amendment is therefore acceptable having regard to local and national planning policies. It is equally important to note that while a technical breach of condition has occurred by the failure to meet the requirements of condition 20, the breach is not fatal to the planning permission or the 'raison d'être' for the full relief road opening.
- 3.2.2 In practical terms, an approval under Section 73 of the Town and Country Planning Act (T&CPA) 1990 (as amended) would result in a new planning permission, and an updated list of planning conditions are set out in full in section 9 of this report. The existing s106 legal agreement from the site's planning permission reference 15/00419/OUT includes a relevant clause to ensure this permission links with that s106 legal agreement for the delivery of the mitigation identified in that s106 legal agreement.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 202-221 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E2 Retail Provision
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist Needs'
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.3 Langford and Ulting Neighbourhood Plan (2022) – no relevant policies applicable to this application.

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (PPG)
- Maldon District Design Guide (MDDG) (2017) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014) (SMF)
- North Heybridge Garden Suburb Strategic Design Code (endorsed by Maldon District Council as a material consideration for Development Management purposes in March 2017)
- Approved Access and Movement Parameter plan and Approved Land Use Parameter Plan

4.5 Necessary Associated Infrastructure Improvements Required

(This is to address any deficiencies in the area to make the development acceptable and deliverable through Section 106 agreements and, if appropriate planning conditions e.g. Grampian conditions. This is to include an overview of the phasing of the development, where relevant.)

- 4.5.1 As identified in section 1 of this report this application shall be linked to the Section 106 legal agreement from planning permission reference 15/00419/OUT, which includes within clause 15 of that legal agreement the ability to link applications subject to a variation of condition such as this, also known as section 73 applications (section 73 of the Town and Country Planning Act 1990).

5. MAIN CONSIDERATIONS

- 5.1 The main considerations for this application are as follows:

- The Principle of Development and Highway Considerations
- Whether there have been any other material changes
- Whether there have been any other changes to conditions or the planning obligations
- Other Matters

5.2 Principle of Development and Highway Considerations

- 5.2.1 The site is allocated as a Strategic Site in the Council's Approved Maldon District LDP. The Approved Maldon LDP plans for a minimum of 4,650 dwellings within the District between 2014 and 2029 and it allocates 1,383 of these dwellings at the North Heybridge Garden Suburb (NHGS). This comprises three sites: S2d North of Heybridge (1,138 dwellings), S2e and S2f. Since the adoption of the LDP planning permission has been granted on appeal for the development of site S2(d) through planning permission reference 15/00419/OUT. This permission approved the Relief Road.

- 5.2.2 There are a number of relevant LDP policies for this application as explained below:

- 5.2.2.1 Policy S1 (Sustainable Development) reflects the presumption in favour of sustainable development contained within the NPPF with some of the key principles within the policy of promoting planned growth at the Garden Suburb locations.

- 5.2.2.2 Policy S2 (Strategic Growth) identifies the strategic growth for the District with the main locations of growth including North Heybridge as one of the two Garden Suburb urban extensions in the Maldon District. The policy identifies the need for infrastructure and the Relief Road is a key piece of infrastructure in this location.

- 5.2.2.3 Policy S3 (Place Shaping) sets out the key development principles new development in the Garden Suburbs and strategic allocations should follow.

- 5.2.2.4 Policy S4 (Maldon and Heybridge Strategic Growth) sets out the requirements for the North Heybridge Garden Suburb with the fifth bullet point from the policy identifying that the relief road is a key infrastructure element of this allocation.

- 5.2.3 The NHGS Strategic Masterplan Framework (SMF) was endorsed by the Council in October 2014. It has not been adopted, but remains a material consideration to this planning application, although its weight is adjusted accordingly. The SMF provides

guidance on a strategic framework for the development of the wider NHGS. Throughout the SMF there are details about the need for the Relief Road and how this could be developed, and that information was in the preparation of the planning application for this site. Specifically, section 5.3 identifies the requirements for the Relief Road, or link road as it is referred to in the SMF. The criteria identifies the requirements of the road and junction requirements with the existing road network and new junctions providing vehicle access into the NHGS site.

- 5.2.4 In addition to the SMF, the adopted Design Code document provides codes that are applicable to development within the NHGS site. However, there are no specific codes for the Relief Road. The only code that is relevant is the Green Edge code GE01 which is for the section of the Relief Road between the Maypole Road junction and where the Relief Road adjoins Broad Street Green. This code is to ensure a landscaped buffer is created and integrated with the noise mitigation along the edge of the Relief Road adjacent to residential development to the south. Condition 19 of the planning permission reference 15/00419/OUT required the submission of acoustic mitigation, which has since been approved through a discharge of condition process. This approved a landscaped bund topped by an acoustic fence and provides acoustic mitigation from traffic noise from the Relief Road to future residents of the NHGS. The landscaping will help to visually improve its appearance as the landscaping develops over time.
- 5.2.5 Policy T1 (Sustainable Transport) seeks to create additional sustainable transport opportunities the delivery of sustainable transport infrastructure set out in other Policies in this plan, including Policies S3, S4, and I1. Policy T2 (Accessibility) aims to create and maintain an accessible environment where the impact of development can be suitably mitigated.
- 5.2.6 Policy I1 (Infrastructure and Services) sets out the Council's approach to securing infrastructure and services to meet the needs of new development.
- 5.2.7 The main consideration with this application is proposed revised wording of the condition from the current wording, which states:
- 20) Prior to the occupation of the 100th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 5.2.8 To the proposed variation to the wording which would be as follows:
- 20) Prior to 26 September 2025, the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.*
- 5.2.9 In planning terms there are no objections to the revised wording of the condition which would allow the developer a bit more time to fully implement the Relief Road section between Langford Road and Maypole Road and then allow the road to be open to the public by 26 September 2025 which is only a number of months away.
- 5.2.10 The applicant's supporting information has explained the reason for the delay which is also reliant upon securing a Temporary Traffic Regulation Order (TTRO) by the Highway Authority (Essex County Council (ECC) Highways) to temporarily close the road to undertake the works that allows the road to connect to the existing public highway.
- 5.2.11 The applicant's documentation also explains that the rationale for the original imposition of the trigger within condition 20 was primarily to ensure progress on the

delivery of the Relief Road and not based on a specific assessment of the impact of more than 100 residential occupants or any issue of highway safety at that point. The information explains that the proposed variation would not result in any material impacts to the highway network or safety. It is also suggested that the works in the summer is likely to be beneficial in terms of reducing the impact of the works on residents and businesses alike.

- 5.2.12 ECC Highways has explained that from a highway and transportation perspective the proposal is not contrary to the Highway Authority's Development Management Policies, the adopted as County Council Supplementary Guidance, nor Policies T1 and T2 of the LDP nor the NPPF 2024. The consultation response also identifies that ECC Highways is working with the developer to facilitate the implementation of the Relief Road and the proposed change to this condition is fully supported, as it is necessary to fit into the proposed programme of works for safe and efficient delivery. The Relief Road still has the overall condition of being fully open to the public prior to the occupation of the 350th dwelling, and this will not impact the delivery of that.
- 5.2.13 Overall, ECC Highways raise no objection and the proposed change to the wording of the condition to allow for a slightly longer time period to complete the works and open the section of road to the public between Langford Road and Maypole Road is considered acceptable with regard to local and national planning policies.

5.3 Whether there have been any other material changes

- 5.3.1 There has been no change to the local planning policy position since the planning permission was issued. At a national level there have been numerous updates to the NPPF and PPGs but any changes in national policy and guidance would not result in any conflicts for this application. Therefore, there are no objections with regard to any national policy and guidance changes to this application.

5.4 Whether there have been any other changes to conditions or planning obligations

- 5.4.1 If approved this section 73 planning application would constitute a new standalone planning permission and therefore a review of the conditions is necessary in light of the current position on site. The planning permission (reference 15/00419/OUT) is subject 47 planning conditions and a detailed s106 legal agreement.
- 5.4.2 The conditions to application 15/00419/OUT have been reviewed in detail with the applicant as a number of conditions have been discharged for the earlier phases and land parcels of the development, however, there are conditions that remain relevant to any future applications for reserved matters, most notably for land parcels 8 and 9. With regard to each of those, land parcel 8 would secure the local centre and associated uses including a residential care home, and land parcel 9 is subject to a current live reserved matters application for the last of the residential land parcels (ref 25/00023/RESM). The full list of conditions necessary for the application and based on the current planning position of the site and future development are detailed in section 9 of this report.
- 5.4.3 The s106 legal agreement to application 15/00419/OUT includes a section on further planning permissions to allow for applications like this which seeks a variation (change) to one of the planning conditions. Following liaison with Legal Services it has been confirmed that clause 15 of the s106 legal agreement contains the necessary wording to ensure all of the s106 legal agreement requirements for mitigation of the development are still applicable through the granting of planning permission for this variation of condition application.

5.5 Other Matters

- 5.5.1 Only one letter of objection has been received and a response to these points is provided in the table in section 8 of the report below.

6. CONCLUSION

- 6.1 The proposed variation of condition 20 to extend the time for the delivery of the Relief Road from occupation of the 100th dwelling to its delivery by 26 September 2025 represents a short extension of time and would coincide with the applicant's agreement with the Highway Authority for the commencement of the works in the summer of 2025 for the delivery of the Relief Road. This raises no objections in Planning and Highway terms and is therefore acceptable having regard to local and national planning policies.
- 6.2 The proposal would result in a new planning permission and an updated list of planning conditions are set out in full in section 9 of this report. The existing s106 legal agreement from the site's planning permission reference 15/00419/OUT includes a relevant clause to ensure this permission links with that s106 legal agreement for the delivery of the mitigation identified in that s106 legal agreement.

7. ANY RELEVANT SITE HISTORY

- 7.1 The site has a very detailed and extensive planning history. The relevant planning applications are listed below including the outline permission and subsequent reserved matters, relevant full planning applications and relevant discharge of condition applications:
- **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). – Planning Permission Refused on 08.03.2019 but Allowed on Appeal on 25.10.2019
 - **19/00741/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)

- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
- (v) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and

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

- **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan – Approved 11.05.2020
- **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Approved 15.05.2020
- **21/05187/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan (plan revised)– Approved 14.01.2022
- **22/5109/DET, 22/05110/DET 22/05067/DET and 24/05061/DET** – All these applications provide details of the acoustic barrier required through condition 19 of application 15/0419/OUT allowed on appeal APP/X1545/W/19/3230267, and all have all been approved.
- **22/00324/PROW** – Permanent diversion of PROW 19 Great Totham and Public Rights Of Way (PROW) 17 Heybridge – Confirmed 06.02.2024
- **23/00519/PROW** - 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). – Confirmed 03.09.2024

7.2 Phase 1 – Parcels 1 and 2

- **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
– Approved 08.10.2021

- **21/00752/RES** - 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 - Approved 12.04.2022
- **21/00788/FUL** - Formation of temporary access points for construction traffic from Maypole Road and Broad Street Green Road – Approved 08.12.2021

7.3 Phase 2 - Parcels 10, 11, and 12

- **21/00961/RES** - 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:
 - (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 10.03.2022
- **22/00523/RESM** - 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:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).
 Approved 05.12.2022
- **23/01062/VARM** – Variation of condition 2 and condition 3 on planning application 22/00523/RESM (Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping (Phase 2 only) on approved application 15/00419/OUT – Approved 24.01.2024

7.4 Phase 3 – Parcels 4 and 5

- **22/00289/RESM** – 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 planning application (15/00419/OUT) comprising:
 - (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.

Approved 17.02.2023

- **23/00226/RESM** - Reserved matters application for Phase 3 (Parcel 4) the approval of access, appearance, landscaping, layout and scale for Phase 3a for the construction of 234 residential units of planning permission 15/00419/OUT – Approved 28.07.2023
- **24/00587/RESM** - 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 – Approved 02.12.2024

7.5 Phase 4 – Parcels 3, 6, 7 and 8 (Care Home and Supported Living)

- **23/00408/RESM** – 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 - Approved 28.07.2023
- **24/00569/FUL** – Erection of 3 storey, 66 bed care home with associated landscaping, car parking and access – Refused 12.12.2024
- **25/00173/FUL** – Erection of 3 storey, 66 bed care home with associated landscaping, car parking and access. - Pending Consideration
- **25/00234/RES** – Reserved matters application for the approval of access relating to planning application 15/00419/OUT - Access stub from main spine road to serve eastern part of Parcel 8 - Pending Consideration

7.6 Phase 5 – Parcel 9

- **25/00023/RESM** – Reserved matters application the approval of access, appearance, landscaping, layout and scale for Phase 5 (Parcel 9) for the construction of 110 residential units pursuant to outline planning permission 15/00419/OUT (Part outline/part details (hybrid) application for mixed use and associated development). – Pending Consideration.

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	No comments received	Noted
Heybridge Parish Council	No comments received	Noted
Langford Parish Council		Awaiting consultation response and if received this will be reported to committee

8.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	<p>No objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance, Policies T1 & T2 of the Adopted Local Development Plan and the NPPF 2024.</p> <p>The Highway Authority is working with the developer to facilitate the implementation of the North Heybridge Relief Road NHRR), and the change to this condition is fully supported, as it is necessary for it to fit into the proposed program of works for safe and efficient delivery. The NHRR still has the overall condition of being fully open to the public prior to the occupation of the 350th dwelling, and this will not impact the delivery of that.</p>	See section 5.1 of this report which has reviewed and considered these comments is assessing this application
National Highways	No objection	Noted

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Legal Services	It is confirmed that a s73 planning permission based on that planning reference is covered by the original agreement and that no further agreement is required	See paragraph 5.3.3

8.4 Representations received from Interested Parties (*summarised*)

- 8.4.1 **One** letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Planning condition imposed by the Planning Inspectorate and should clearly not be relitigated at a more junior level in the planning hierarchy	The application has been assessed is reported to the District Council's Planning Committee for a decision
The developer has already been given ample time to conclude these works and did not begin the bypass works at the western end on a timely basis	The timing of the works is explained in paragraphs 5.1.13 to 5.1.17 and it is considered that the slight extension of time for delivery of the Relief Road is acceptable with regard to its consideration and impact upon the highway network
The developer claims that ECC has not given it access to Langford Road to tie in the bypass but were booked for summer 2024. The works could not take place last summer because of the developer's delays in having the works ready by that point because it had not started them early enough in the development	Please see comment above
No updated traffic management details have been submitted with the proposal. The developer is relying on data from the original application which took place several years ago and pre Covid. Traffic levels and peak times for flows have changed significantly since then. Wants the authority to maintain the Planning Inspectorate's NECESSARY condition and not impose further traffic misery on Maldon residents by permitting a further delay to this commitment.	ECC Highways have confirmed through paragraphs 5.1.13 to 5.1.17 that the proposed variation would not impact upon the highways network nor highway safety
If MDC approves this application no one in the district will ever be able to have confidence in any future infrastructure commitment made in respect of any development which will further weaken public support for any development.	The proposal has resulted in a slight delay to the original intention of the delivery of the Relief Road but this report is being considered in May 2025 with the works set to take during the school summer holidays between late July and August and be opened by the 26 September 2025

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

As identified in section 1 of this report this application shall be linked to the Section 106 legal agreement from planning permission reference 15/00419/OUT, which includes within clause 15 of that legal agreement the ability to link applications subject to a variation of condition such as this, also known as Section 73 applications (Section 73 of the Town and Country Planning Act 1990).

PROPOSED CONDITIONS:

And the application shall be subject to the following conditions which reflected the most up to date position regarding the development of this site:

Timeframe of three years for full permission elements – Relief Road and gas and electricity substations

- 1 The elements of the development for which full permission is hereby granted (a Relief Road between Broad Street Green Road and Langford Road and the construction of initial gas and electricity sub-stations) shall be constructed in accordance with the details as approved.

Details for Reserved Matters (RM) access, appearance, landscaping, layout, and scale

- 2 For all elements of the development other than those for which full planning permission has been granted (a Relief Road between Broad Street Green Road and Langford Road and the construction of initial gas and electricity sub-stations) details of the access, appearance, landscaping, layout, and scale (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development other than preliminary ground works, or any works connected to the construction of the Relief Road or the substations takes place, and the development shall be carried out as approved.

First app. for RM within three years

- 3 Condition deleted

Applications for RM no later than 29 October 2029 (10 years from original consent)

- 4 Application(s) for approval of reserved matters shall be made to the Local Planning Authority no later than the 29 October 2029.

Approved RM to begin no later than 2 years from date of permission

- 5 The element of the development for which outline permission is hereby granted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved.

Approved Plans List

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

PRM-01 Rev R – Design Parameter Plan – Land Use; PRM-04 Rev P – Design Parameter Plan – Building Heights; PRM-05 Rev Q – Design Parameter Plan – Residential Density; PRM-02 Rev W – Green and Blue Infrastructure; PRM-03 Rev P – Access and Movement; CPMALDON.1/01J – Relief Road Overview; CPMALDON.1/02G – Langford Road Roundabout;

CPMALDON.1/03F – Staggered Priority Junction Arrangement;
 CPMALDON.2/04E – Central Priority Junction and Broad Street Green Rd Roundabout; CPMALDON.1/05D – Langford Road Rd/.Northern Arm and Vertical Profile; CPMALDON.108C – Relief Road Long Section – Langford Road End; MBSK150720-1 – Maldon Road Centreline and Visibility; 44006-C-010B – Substation Location Plan; TC-STD-G-PRI – Gas Governor; and TC-STD-SS-01 – Brick Built Electricity Substation.

Construction Environmental Management Plan (CEMP)

- 7 With the exception of those parcels or phases to which a CEMP pursuant to condition 7 of planning permission 15/00419/OUT has been approved, no development within any part of the site or phase of development (as defined in the Strategic Phasing Plan to be approved pursuant to Condition 11) shall take place until a Construction Environmental Management Plan (CEMP) for that part of the site or phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the consideration of the following aspects:
- (a) indicative construction and phasing programme for that phase/part of the development;
 - (b) details of the location of the construction compound with boundary/security details, and temporary buildings/offices, storage areas/compounds, plant, equipment, external lighting arrangements, materials storage, screening, and hoardings;
 - (c) hours of construction and delivery times for construction purposes;
 - (d) a Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of waste re-use, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximised reuse of waste both within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports;
 - (e) a Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology, an investigation and monitoring scheme to oversee and direct construction works, and details of soil handling, storage and restoration, dust management and wheel washing facilities;
 - (f) procedures for dealing with any unexpected contamination that may be encountered during the construction process;
 - (g) a Construction Ecological Management Plan, including details for mitigating the effects of construction on habitats and protected species in line with the assessment set out in the Environmental Statement;
 - (h) measures for protecting trees and hedgerows intended for retention, during the construction process;
 - (i) a Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibration from plant, construction equipment and vehicles;
 - (j) a Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding; and
 - (k) a Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highways, diversions and road closures, temporary signage, delivery areas, and parking spaces

for visitors and on-site workers, and the safeguarding of Public Rights of Way during construction.

The CEMP shall be implemented in the manner approved before any development commences in the relevant phase of development/part of the site to which it relates and shall be adhered to for the duration of the construction period of that phase/part of the development. All construction infrastructure shall be removed from the site within three months of completion of the corresponding phase/part of the development.

Where the CEMP has been discharged for earlier phases of development the development shall be implemented in accordance with the details as approved through application references 21/05134/DET, and 23/05036/DET, and specifically for paragraph (g) 21/05031/DET, 22/05005/DET and 22/05113/DET.

Archaeological Assessment and Implementation Programme

- 8 The archaeological assessment (prepared by an accredited archaeological consultant) and the implementation of a programme of archaeological work for the site shall be carried out in as approved through application references 21/05054/DET and 21/05147/DET.

Surface Water Drainage Scheme

- 9 With the exception of those parcels or phases to which a Surface Water Drainage Scheme pursuant to condition 9 of planning permission 15/00419/OUT has been approved, no development within any part of the site or on any Phase of the development (as defined by the Strategic Phasing Plan approved pursuant to condition 11) shall take place until a detailed surface water drainage scheme for that part of the site/phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:
- (a) limiting discharge rates to 1 in 1 greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
 - (b) the provision of sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - (c) the required allowance for urban creep should be included in storage calculations;
 - (d) a demonstration that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable;
 - (e) final modelling and calculations for all areas of the drainage system;
 - (f) the appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753;

- (g) detailed engineering drawings of each component of the drainage scheme;
- (h) a final drainage plan which details exceedance and conveyance routes, finished floor levels and ground levels, and location and sizing of any drainage features; and
- (i) a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be implemented in accordance with the details approved by this condition and that of condition 9 of planning permission reference 15/00419/OUT (application references 23/05080/DET, 21/05125/DET and 22/05075/DET) before occupation.

Surface Water Drainage Scheme – Maintenance and Management details

- 10 The management and maintenance of watercourses within the site and the SuDS network to be provided shall be implemented in accordance with application reference 21/05121/DET.

Strategic Phasing Plan

- 11 The development hereby permitted shall be implemented in accordance with the site wide Strategic Phasing Plan as approved through application reference 21/05187/DET unless a revision to that plan is agreed in writing by the local planning authority pursuant to this condition.

Strategic Management and Maintenance Plan for the entirety of the Strategic Green Infrastructure

- 12 The development shall be implemented in accordance with the Strategic Management and Maintenance Plan for the entirety of the Strategic Green Infrastructure as approved through application reference 20/05035/DET unless a revision to the Strategic Management and Maintenance Plan is agreed in writing by the local planning authority pursuant to this condition.

Ecological Conservation Management Plan (ECMP)

- 13 The development shall be implemented in accordance with the Ecological Conservation Management Plan (ECMP) for the site as approved through application references 21/05031/DET, 21/05162/DET and 22/05081/DET. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved ECMP.

Contamination and Remediation

- 14 The development shall be implemented in accordance with the Phase 2 intrusive investigation and report as approved through application reference 21/05107/DET.

Superfast Broadband Strategy

- 15 The development shall be implemented in accordance with the strategy to facilitate superfast broadband for future occupiers as approved through application references 21/05135/DET.

Foul Drainage

- 16 With the exception of those parcels or phases to which a Foul Drainage has been approved pursuant to condition 16 of planning permission 15/00419/OUT, no other building intended for use for purposes falling within

Use Classes A1, A2, A3, A4, A5, C2, C3, D1 or D2 as defined by the Town and Country (Use Classes) Order 1987 (as amended) shall be erected above foundation level until details of the foul water drainage for that building have been submitted to and approved in writing by the Local Planning Authority.

The drainage works as approved pursuant to this condition and condition 16 of planning permission 15/00419/OUT (application references 22/05076/DET and 23/05124/DET) shall be completed in accordance with the approved details before first occupation of the building to which it relates.

Details of depth of excavation trenches for all services

- 17 With the exception of those parcels or phases to which a scheme has been approved pursuant to condition 17 of planning permission 15/00419/OUT, no development within a site for which reserved matters approval is sought shall take until such time as full details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains, and public utilities) and their means of installation where they pass under the canopy of any retained tree within, adjacent to, or which overhangs, the development area, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For details of the position and proposed depth of excavation trenches for all services (including cables, pipes, surface water drains, foul water drains, and public utilities) and their means of installation where they pass under the canopy of any retained tree within, adjacent to, or which overhangs, the development area that have already been approved the development shall be implemented in accordance with the approved application references 22/05014/DET and 22/05110/DET.

Tree and Hedgerow Protection

- 18 The development shall be implemented in accordance with the tree retention and protection measures as approved through application references 21/05129/DET, 21/000961/RESM and 22/00289/RESM. No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees/hedgerows in that reserved matters area have been erected in accordance with the details previously submitted to and approved in writing by the Local Planning Authority. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes seriously damaged or defective, a replacement tree shall be planted within the site of such size and species and at such a time as specified by the Local Planning Authority.

Details of acoustic barrier to the south of the Relief Road

- 19 The proposed acoustic barrier to the south of the Relief Road shall be implemented in accordance with the details as approved through application references 22/05109/DET and 21/00961/RES. The acoustic barrier shall be completed in accordance with the approved details before first occupation of any dwelling in that particular phase and retained in perpetuity thereafter.

Relief Road section between Langford Road and Maypole Road completion before occupation of 100th dwelling

- 20 Prior to 26 September 2025 the Relief Road shall be fully completed in accordance with the approved details and open to the public between Langford Road and Maypole Road.

Relief Road section between Langford Road and Broad Street Green Road completion before occupation of 350th dwelling

- 21 Prior to the occupation of the 350th dwelling hereby approved, the Relief Road shall be fully completed in accordance with the approved details and including all associated accesses, junctions and crossing points, and open to the public between Langford Road and Broad Street Green Road.

Traffic monitoring and Priority for Buses along Maypole Road south of the Relief Road

- 22
- (a) Monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road shall be undertaken in accordance with the details agreed pursuant to condition 22 of planning permission 15/00419/OUT, under Discharge of Condition reference 23/05117/DET.
 - (b) The monitoring scheme shall not commence before the Relief Road is completed and open to the public.
 - (c) The monitoring data shall be submitted to the local planning authority and the highway authority within three months of the completion of the monitoring period.
 - (d) No more than 500 of the dwellings hereby approved shall be occupied until the local planning authority has confirmed in writing as to whether the scheme to provide priority for buses along Maypole Road south of the Relief Road approved pursuant to condition 22 of planning permission 15/00419/OUT (under Discharge of Condition reference 23/05117/DET) is required to be implemented
 - (e) If implementation is required, then no more than 600 dwellings shall be occupied until the scheme is completed.

Monitoring data to be submitted to understand whether scheme in condition 20 is required

- 23 Condition deleted as merged with Condition 22

Residential Travel Plan

- 24 The development shall be implemented in accordance with the Residential Travel Plan as approved application reference 23/05018/DET. The approved Travel Plan shall be implemented for a period commencing from the first occupation of any dwelling on the site, and end 1 year after the occupation of the 1,100th dwelling, or some other time period as may be agreed by the Local Planning Authority through this condition.

Residential Travel Information Pack

- 25 Upon the first occupation of any dwelling, a Residential Travel Information Pack (The Pack), as approved through application reference 23/05018/DET, setting out available sustainable transport choices, shall be provided with that dwelling. The Pack shall include free travel vouchers for use with the relevant local public transport operator.

Noise Validation Survey

- 26 After the occupation of the 500th dwelling but before the occupation of the 750th, a Noise Validation Survey shall be undertaken to verify the noise levels in the rear of the gardens of properties on Poplar Grove and properties fronting Langford Road. The survey results shall be submitted to the Local Planning Authority. In the event that the survey shows noise levels exceeding

WHO 55bD in these areas, the developer shall write to the owners of the affected properties to offer the construction of a solid wooden boundary fence up to 1.8m in height, and if requested to do so by the owners of the property within 28 days of the offer, shall complete the installation of the fence before occupation of the 751st dwelling on the development site.

Bus Stop details for RM

- 27 The development shall be implemented in accordance with the details of the bus stop to be provided, including the timing of its provision as approved through application references 21/00961/RES and 22/00289/RES.

Network of pedestrian and cycle routes for RM

- 28 Any reserved matters application(s) relating to layout shall include a scheme to show the provision of a network of pedestrian and cycle routes linking all areas within that part of the development, in accordance with Drawing PRM-03 Rev P – Design Parameter Plan – Access and Movement, and a programme for their implementation. The cycle routes shall be appropriately hard-surfaced and, where provided as a dedicated off-carriageway route, shall have a minimum width of 3m (or 3.5m if shared with pedestrians). The pedestrian and cycle routes shall be implemented in accordance with the approved details.

Where the provision of a network of pedestrian and cycle routes linking all areas within that part of the development have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure - 21/00384/RES, 21/00961/RES and 22/00289/RES

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

Vehicle Parking for RM

- 29 Any reserved matters application(s) relating to layout and/or access, including residential or commercial buildings, shall include details of all types of vehicle parking proposed, including the number, location, and design of any enclosed structures within the site. Prior to the occupation of any dwelling/building within that reserved matters parcel, the parking areas relating to that dwelling/building shall be completed in accordance with the approved details and retained for their intended purpose thereafter.

Where details of all types of vehicle parking proposed, including the number, location, and design of any enclosed structures within the site have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 21/00384/RES, RES/MAL/21/00961 and 22/00289/RES

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

Cycle Parking for RM

- 30 Any reserved matters application(s) including residential or commercial buildings shall be accompanied by details of facilities for the covered secure parking of bicycles for use in connection with those buildings. Prior to the occupation of any dwelling/building the cycle parking facilities for that dwelling/building shall have been provided in accordance with the approved details and they shall be retained thereafter for their intended purpose.

Where details of all types of vehicle parking proposed, including the number, location, and design of any enclosed structures within the site have been discharged the development shall be implemented in accordance with the details as approved through application references:

For Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

Landscaping requirements

31 Part 1

Any reserved matters application made pursuant to this approval that seeks the approval of landscaping details shall include a detailed landscaping scheme with designs and specifications for the associated reserved matters site. Where relevant to that part of the site, this shall substantially accord with the details set out within the submitted Design Strategy for the North Heybridge Relief Road (included within the Design and Access Statement). The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme is broadly in accordance with the Council's endorsed Strategic Design Code.

Where details of landscaping details have been discharged for Part 1 the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 21/00384/RES, RES/MAL/21/00961 and 22/00289/RES

For the Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and

- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

Part 2

Prior to commencement of development within any Reserved Matters site, full details of the hard and soft landscaping proposals, which shall be in accordance with the Reserved Matters design approved under Part 1 of this condition, shall be submitted for the written approval of the Council. Unless such details have already been approved as part of the relevant Reserved Matters design, the detailed landscape designs and specifications for any reserved matters site shall include:

- (a) full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed timing of that planting. The planting plan shall include a full schedule of plants and use botanic names;
- (b) scaled cross-sections of mounding, ponds, ditches, and swales and proposed treatments of the edges and perimeters of the site;
- (c) the landscape treatment of all roads through the reserved matters site;
- (d) a specification for the establishment of trees within hard landscaped areas including details of space standards and tree pit details;
- (e) the planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate;
- (f) full details of any proposed alterations to existing watercourses and/or drainage channels;
- (g) details and specification of any proposed earth modelling, mounding, re-grading and/or embankment areas or changes of level across the reserved matters site to be carried out including soil quantities, topsoil storage to BS 3882:2007, haul routes, proposed levels and contours to be formed, sections through construction to show make-up; and the timing of works;
- (h) full details of all proposed methods of boundary treatment including details of all gates, fences, walls, and other means of enclosure both within and around the edge of the reserved matters site;
- (i) full details, including cross-sections, of all bridges and culverts;
- (j) utility routes, type and specification;
- (k) the location and specification of minor artefacts and structures including furniture, refuse, or other storage units, signs and lighting columns/brackets;
- (l) 1:200 scale plans (or at a scale otherwise agreed) including cross sections, of roads paths and cycleways; and
- (m) details of all hard surfacing materials (size, type and colour).

The details submitted for both hard and soft landscaping shall include a schedule for the implementation of the proposed works along with a Management and Maintenance Plan which shall include:

- (i) planting, grass cutting, weeding and pruning schedules;
- (ii) inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture, and litter picking);

- (iii) a programme of management activities and monitoring and operational restrictions; and
- (iv) a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting).

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved details and programme unless an alternative programme is agreed in writing by the Local Planning Authority through this condition. The approved Management and Maintenance Plan shall be implemented in accordance with the approved details and continued thereafter in perpetuity.

Where details of landscaping details have been discharged for Part 2 the development shall be implemented in accordance with the details as approved through application references:

For Strategic Infrastructure for 22/05137/DET, 22/05054/DET and 23/5029/DET

For the Residential Parcels

- Phase 1, Parcels 1 and 2 application reference 21/00752/RES,
- Phase 2 Parcels 10,11,12 application reference 22/00523/RES,
- Phase 3 Parcel 4 application reference 23/00226/RESM.
- Phase 3 Parcel 5 application reference 24/00587/RESM, and
- Phase 4 Parcels 3,6,7 application reference 23/00408/RESM

Recycling and Waste details for RM

- 32 Any reserved matters application shall be accompanied by details relating to the location, design, specification, management and maintenance of the recycling facilities. These details shall specify the specific positions where wheeled bins, recycling boxes, or any other means of storage, will be stationed, and the arrangements for the disposal of waste. The approved recycling facilities shall be provided for the dwelling/building to which they relate prior to the occupation of that dwelling/building.

Any Planting that fails replaced within 5 years

- 33 Any trees or plants provided as part of any landscaping scheme for a reserved matters site which. Within a period of five years of the planting date, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Remove of PD rights for hard surfacing of front gardens

- 34 Notwithstanding the provisions of Schedule 2, part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no hard surfacing of front gardens beyond that permitted as part of the approval of reserved matters.

Lighting Strategy

- 35 Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), a lighting strategy for that phase of the development (as agreed through Condition 11), including details of the location and type of fixtures and fittings, shall be submitted to and approved in

writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details and retained as such thereafter.

Yearly logs of Maintenance of Surface Water Drainage Scheme

- 36 Pursuant to condition 10 attached to this permission, yearly logs of maintenance shall be kept which should be carried out in accordance with any approved Maintenance Plan. These must be made available for inspection upon request by the Local Planning Authority.

Housing Mix requirements

- 37 The development shall be carried out in accordance with the following housing mix: 1 or 2 bedrooms – minimum 50%; 3 bedrooms – minimum 30%; and 4+ bedrooms – no more than 20%.

Smaller Dwellings that are Single Storey in Height

- 38 Not less than 4% of the dwellings hereby approved shall be smaller dwellings (1 or 2 bedrooms) that are single-storey in height.

Playing Field Requirements

- 39 No development of the playing fields shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority:
- (i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints that could affect playing field quality;
 - (ii) based on the results of the assessment to be carried out under (i), a detailed scheme that ensures the playing field will be provided to an acceptable quality – the scheme shall include a written specification of soils structure, proposed drainage, cultivation, and other operations associated grass and sports turf establishment and a programme of implementation; and
 - (iii) a noise impact assessment relating to the use of the playing fields detailing a scheme of future mitigation measures.

The approved schemes shall be carried out in accordance with the Strategic Phasing Plan (condition 11) and the land shall thereafter be maintained and made available for use as playing fields in accordance with the approved details.

Community Use Agreement (CUA)

- 40 Before the playing fields are brought into use, a Community Use Agreement (CUA) shall be submitted to and approved in writing by the Local Planning Authority. This agreement shall include details of a pricing policy, hours of use, access by non-members, management responsibilities, and a mechanism for review. The CUA shall be implemented, in the manner approved, at all times.

No Floodlighting

- 41 There shall be no floodlighting associated with the playing fields/sports pitches, including those associated with the Primary School.

Details of Local Centre units to be provided

- 42 Prior to or contemporaneous with the submission of any application for reserved matters relating to the Local Centre, details of the distribution and

size of all units intended for use within Use Classes A1, A2, A3, A4, A5 and D1, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The Local Centre shall be completed in accordance with the approved details.

Hours of use for Local Centre Units

- 43 The hours of use for any unit used for purposes within Use Classes A1, A2, A3, A4, A5 and D1, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre shall be 0700 to 2300 hours on Mondays to Saturdays (inclusive), Sundays and Bank Holidays.

Delivery and Collection Hours for Local Centre Units

- 44 Deliveries to and collections from any unit used for purposes within Use Classes A1, A2, A3, A4, A5 and D1, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) within the Local Centre shall only take place between 0730 to 1900 hours on Mondays to Saturdays and Sundays and Bank Holidays.

Means of commercial refuse/recycling for Local Centre

- 45 No development of the commercial units within the Local Centre shall be carried out until details of the means of commercial refuse/recycling storage, including details of the bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority. The commercial refuse/recycling storage facilities shall be provided in accordance with the approved details before the units are brought into use and retained as such for their intended purpose thereafter.

Local Centre – Ventilation Equipment

- 46 No installation of any extract ventilation system, compressors, generators, refrigeration equipment, or any other fixed plant, shall be installed on any building in the Local Centre, unless the details of such equipment has first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the location of the equipment, acoustic housing, and any vibration isolation measures, together with projected noise levels at the boundary of the property. Installation shall be carried out in accordance with the approved details and retained as such thereafter.

Sound level restrictions for any Amplified Sound

- 47 The specific sound level (LA eq,15) resulting from any amplified sound used within any units falling within Use Classes A3, A4, A5, D1 and D2 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall not exceed the background noise level (LA 90,15), at a point one metre from the external façade of the nearest noise sensitive receptor.

POSITIVE AND PROACTIVE STATEMENT

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. Furthermore, Members of the planning committee took the decision to grant planning permission as the proposal has been considered acceptable.



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

**to
DISTRICT PLANNING COMMITTEE
22 MAY 2025**

Application Number	25/00173/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 (Class C2 use) with associated landscaping, car parking and access.
Applicant	LNT Care Developments (4) Limited
Agent	n/a
Target Decision Date	26.05.2025
Case Officer	Chris Purvis
Parish	HEYBRIDGE
Reason for Referral to the Committee / Council	Strategic site within the Local Development Plan Major Application

1. RECOMMENDATION

APPROVE subject to the applicant's Unilateral Undertaking as a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.

Land at Broad Street Green Road and Langford Road and Maypole Road

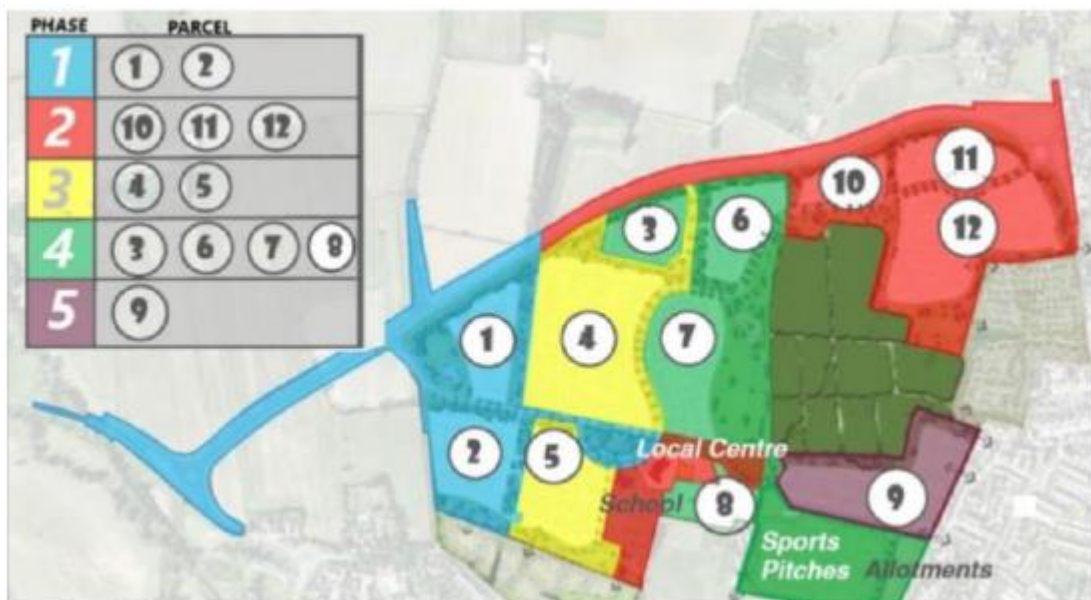


3. SUMMARY

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 the Proposal

- 3.1.5 This application is a resubmission of the previous refused application reference 24/00569/FUL. That application was refused for 3 reasons which in summary were the proposed buildings, size scale and design being out of keeping with the character and appearance of the locality; insufficient parking and mobility scooter storage and insufficient information on access arrangements for deliveries and servicing vehicles; and in the absence of a completed Section 106 (s106) legal agreement for a contribution towards healthcare. Each reason of refusal is assessed through the relevant material planning considerations of this assessment.
- 3.1.6 In comparison to the previous application and the applicant proposes to address each reason of refusal by providing the following changes:
- A revised design approach to overall appearance of the development
 - Increased the parking from 25 to 32 spaces, provision of mobility scooter storage
- 3.1.7 The current application seeks full planning permission for the erection of a 3 storey, 66 bed care home (Class C2 use) with associated landscaping, car parking and access. This will be a purpose-built, three storey, sixty-six bed residential care facility for older people. The proposed three storey scale exceeds the agreed building height parameters of 2.5 storey heights set out within the hybrid application and therefore the application is submitted as a full detailed application rather than a reserved matters to ref 15/00419/OUT.
- 3.1.8 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.

- 3.1.9 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. It is stated that the care home would comply with the National Care Standards Act 2000 and the Care Quality Commission (CQC).
- 3.1.10 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.
- 3.1.11 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).
- 3.1.12 Across the site, 32 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.
- 3.1.13 The application is accompanied by a number of supporting documents:
- Design and Access Statement (including Economic Statement and Statement of Community Involvement) Rev A
 - Planning Statement
 - Travel Plan
 - Sustainability, Renewable Energy & Health Impact Assessment
 - Arboricultural Survey
 - Arboricultural Impact Assessment
 - Extraction/Ventilation Statement
 - Geotechnical Appraisal
 - Preliminary Ecological Appraisal
 - Reptile Survey
 - Electric Vehicle Charging Details
 - PV panels information/spec sheet
 - Noise Impact Assessment
 - Lighting Assessment
 - Biodiversity Metric
 - Biodiversity Net Gain Report
 - Draft Heads of Terms
 - SUDS Checklist (LLFA Technical Assessment ProForma)
 - Drainage Calculations
 - Habitat Regulations Assessment
 - Reptile Mitigation Strategy

- Highways Technical Note
- A Unilateral Undertaking as a s106 legal agreement

3.1.14 The key elements of the proposals are set out in the table below:

Site Area (Gross)	0.5 ha
Floorspace	3,320 Gross Internal Area (GIA)
Height	3 storeys (10.75 metres high)
Units (All)	66 Bedroom Care Home each bedroom would have en-suite wet room facilities and would be 14.6 sqm Care Home would include cafes/bar/dining rooms, lounges, family room, a library, garden room, cinema and a hair salon
Job Creation	50-60 jobs working on rotational shift pattern with a maximum of 24 members of staff present at all times
Car parking	Spaces: 24 Electric Charging Spaces: 6 Accessible Spaces: 2 Total: 32 spaces
Cycle parking	16 cycle spaces and 1 motorcycle space Designated areas for mobility scooter storage and charging
Amenity Space	Communal Amenity Space: 876 sqm

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). The proposal has addressed the 3 reasons of refusal from the previous application and would create a high-quality sustainable development that would provide a care home that would benefit the District and its aging population. In addition, the proposal would provide between 50-60 jobs once the care home is operational which would be beneficial to the local economy.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S3 Place Shaping
- S4 Maldon and Heybridge Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- D6 Advertisements
- E1 Employment
- E6 Skills, Training and Education
- 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
- I2 Health and Wellbeing

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 Improvements Required and/or Affordable Housing

4.4.1 A legal agreement pursuant to section 106 Agreement of the Town and Country Planning Act 1990 (as amended) is required to secure the following financial contributions:

- NHS (National Health Service) contribution of £13,600 towards local healthcare provision
- Travel Plan monitoring fee of £7,037.16

5. MAIN CONSIDERATIONS

5.1 The main considerations for this application are as follows:

- Principle of the Development
- Design and Impact on the Character of the Area
- Living Conditions and Amenity Space
- Impact upon Neighbouring Amenity
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Ecology and Biodiversity
- Viability and Planning Obligations
- Other Matters

5.2 Principle of Development

Background

5.2.1 The hybrid planning permission (reference 15/00419/OUT) was granted on appeal on 25 October 2019 for the North Heybridge Garden Suburb 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.

5.2.2 Whilst this application is not a reserved matters application to 15/00419/OUT the application can still be considered in the context of that permission with regard to 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 in terms of placemaking.

Policy Position and Principle of the Development

5.2.3 Policy H3 identifies that the Council will support and enable the provision of housing to meet specialised needs for older people and specific groups subject to certain criteria including sustainability, access to services and addressing need. The PPG 'Housing for older and disabled people' identifies that there is a critical need for providing housing for older people including specialist housing with high levels of care and support.

- 5.2.4 The 2021 Maldon Housing Needs Assessment has been published and identifies the need for older person housing and that includes the need for residential care homes. The Housing Needs Assessment also recognises that the population of older persons aged 65 and over are expected to grow by 7,600 persons to 2040 equal to 46% of the population of the District. The Housing Needs Assessment identifies that this generates a need for around 151 additional care and 446 nursing bedspaces by 2040.
- 5.2.5 Taking account of the above policy and needs position, and that a care home is included in the hybrid permission (15/00419/OUT) for the North Heybridge Garden Suburb, it is considered that no objection is raised to the principle of this care home development within this parcel of the approved development within the North Heybridge Garden Suburb.
- 5.2.6 This application is a resubmission of the previous refused application reference 24/00569/FUL. That application was refused for 3 reasons which in summary were the proposed buildings, size scale and design being out of keeping with the character and appearance of the locality; insufficient parking and mobility scooter storage and insufficient information on access arrangements for deliveries and servicing vehicles; and in the absence of a completed s106 legal agreement for a contribution towards healthcare. Each reason of refusal is stated in full and assessed through the relevant material planning considerations of this assessment.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2024). The NPPF states that:
- 'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'.*
- 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'.*
- 5.3.3 The above principle is also set out 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. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG. The North Heybridge Garden Suburb Strategic Masterplan Framework (SMF) does not specifically refer to a care home use. In terms of the location of this site the North Heybridge Garden Suburb Strategic Design Code (SDC) includes design code GE03 which refers to an arrangement overlooking the sports pitches and allotments through the provision of a shared access way alongside the green edge. In this location there is a public right of way (PROW 17) that runs along the site's eastern boundary. The development would have windows facing the public right of way.

5.3.4 The previous application was subject to the following reason of refusal

1. The proposed building by reason of its size, scale and detailed design, would fail to secure a high quality development and would be out of keeping with the context of the site. As such the development would result in harm to the character and appearance of the locality and would therefore be contrary to Policies S3, D1 and H4 of the Local Development Plan 2017 and the National Planning Policy Framework.

5.3.5 The reason of refusal is considered in light of the headings and paragraphs below:

Layout

5.3.6 Layout wasn't specifically referred to in the reason of refusal. The layout of the site shows that the proposed development would occupy an 'L' shaped footprint with communal gardens around the edge of the building. The site includes the access and 32 parking spaces. Landscaping is proposed around the edges of the site. The proposed layout of the site is considered acceptable and 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.

Size and Scale

5.3.7 This will be a purpose-built, three storey, sixty-six bed residential care facility for older people. The reason why this is a full planning application rather than a reserved matters application is because the proposal, at three storeys in scale exceeds the agreed building height parameters of 2.5 storey heights set out within the hybrid application for this part of the North Heybridge Garden Suburb.

5.3.8 There are parts of the North Heybridge Garden Suburb that permit buildings of 3 storeys in height and within Parcel 7 of Phase 4 there are consented apartment buildings that would be 3 storeys in height with a pitched roof measuring 11m high. This application's proposed building would be 9.5m high and this is a reduction in size, scale and height in comparison to the previous refused application building that was proposed to be 10.5m in height. Whilst the proposed building would be taller than any existing buildings to the south it is considered acceptable in height in this location and within the context of the site's location on the edge of the future local centre within the North Heybridge Garden Suburb.

Appearance

5.3.9 In comparison to the previous refused application, it is considered that the revised design of the building would provide a high-quality design within the site's proposed layout. The proposed materials palette is different with buff facing brick and grey facing brick proposed as opposed to the red brick and cream cladding from the previous scheme. On the roof of the proposed building solar/PV panels would be installed for energy efficiency and these are unlikely to be visible from the ground level. A single storey battery storage building is proposed where electricity can be stored for use for this site. Overall, it is considered that the design and appearance of this development would be acceptable.

Impact upon the Area

5.3.10 Taking account of the layout, scale and appearance the proposed development would be acceptable within the North Heybridge Garden Suburb in this location on

the edge of the future local centre. The Council's Place Officer also has no objection as the proposal would successfully integrate visually and socially with the local centre and surrounding residential parcels, bus stops and general access and movement to landscaped/open space areas.

- 5.3.11 Therefore, overall, the proposed development is considered acceptable in terms of policy D1 of the LDP and the guidance of the NPPF and addresses the points raised in the previous reason of refusal.

5.4 Living Conditions and Amenity Space

- 5.4.1 In terms of amenity for future occupiers, the applicant states that the care home has been designed to meet and exceed the provision of the Care Standards Act (the last relevant legislation which stipulated room sizes). All bedrooms would be a minimum of 14.62m² (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 communal amenity areas.
- 5.4.2 The building includes a number of facilities such as a 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 care home, 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 875 sqm which equates to a ratio of 13.2 sqm 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 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 To the south of the site are existing neighbouring buildings. These are located at least 35 metres from the building. It is recognised that there could be impacts to neighbours during the construction, from noise disturbance and similar. A condition requiring the submission of a Construction Management Plan (CMP) is recommended, and would control, access and parking, storage of plant and materials including topsoil, 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.

- 5.5.3 In terms of impacts to neighbours once the development is operational, due to the distance and the siting of these neighbours with the proposed care home building (the care home would be sited at an angle from the neighbours and at least 35 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 of light or harm to outlook. There would be some impact from traffic movements associated with the development, but not to a level that would be unacceptable.
- 5.5.4 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes. The NPPF/PPG also provide policy and guidance through paragraphs 108 to 117.
- 5.6.2 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.
- 5.6.3 The previous application was subject to the following reason of refusal
2. The proposed development fails to provide sufficient on-site provision for vehicle parking and mobility scooter storage, with insufficient information on access arrangements for deliveries and servicing vehicles. The development would be contrary to Policies D1 and H4 of the Local Development Plan 2017, the Vehicle Parking Standards Supplementary Planning Document, and the National Planning Policy Framework.
- 5.6.4 The reason of refusal is considered in light of the headings and paragraphs below:

Access

- 5.6.5 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). There would be a footpath link from the main spine road which would incorporate pedestrian dropped kerbs together with tactile paving. ECC Highways have no objections to the access arrangements.

Traffic generation

- 5.6.6 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. The applicant's Technical Highways Note explains that the shift pattern changeover would take place at 08:00 and 20:00 hours. It is considered that the level of traffic movement would be limited and would have a limited impact within the surrounding highways or at nearby junctions

- 5.6.7 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.
- 5.6.8 ECC Highways have no objections to the application in terms of traffic generation.
- 5.6.9 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. The travel plan details can be secured through a planning condition and monitoring fee for the travel plan can be secured via a planning obligation.

Parking

- 5.6.10 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.
- 5.6.11 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.
- 5.6.12 To address the previous reason of refusal this application proposes 32 spaces, which is an increase of 7 spaces from the 25 spaces provided with the previous application. This increase in on-site parking provision is considered to address the reason of refusal. 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 32 parking spaces (2 of which are accessible spaces, with a further 6 spaces 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.
- 5.6.13 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 of 16 cycle spaces would be in line with standards and would assist with encouraging sustainable patterns of travel.

- 5.6.14 For mobility scooter storage, the floor plans show that designated areas of mobility scooter storage would be provided towards the southern end of the building providing space for 3 mobility scooters. Previously this provision wasn't shown on the plans and the plans with this application include the addition of mobility scooter storage to address the previous reason of refusal. The applicant has explained that due to the level of care provided at the site, it is unlikely that residents would be leaving the care home very often. The applicant explains that trips out would be by minibus as residents would not be leaving unaccompanied due to their age. Because of this the applicant explains that actual usage of mobility scooters is relatively low with no more than 1 being used at once. The Design and Access Statement also identifies that additional parking for mobility scooter would be available in the entrance lobby in case residents need a scooter to leave the home, the applicant has explained the lobby is wide enough to accommodate informal parking for mobility scooters.

Deliveries and Servicing

- 5.6.15 In terms of servicing and delivery requirements, the Highways Technical Note explains the frequency and size of vehicles visiting the site will be relatively low. It is stated that on average, the proposed care home would generally receive two refuse collections per week and one delivery per day. The deliveries are likely to be undertaken using 7.5t vans and these would deliver food/drink and perishables.
- 5.6.16 For refuse vehicles the proposed access and parking area within the site can accommodate a standard refuse vehicle which can access and egress the proposed site in a forward gear. The application includes a swept path analysis exercise to demonstrate this turning ability within the site and this would not impact upon the parking spaces.
- 5.6.17 It is considered that the servicing and delivery arrangements would be acceptable and would address the concerns raised in the previous application's reason of refusal on this.

Travel Plan

- 5.6.18 The application includes a Travel Plan which aims to achieve a 15% shift away from the use of private cars by staff and visitors to use public transport and other means of travel to the site. To achieve this a Travel Plan Co-ordinator would be appointed to implement and monitor the Travel Plan. The Travel Plan Co-ordinator would also promote cycling, the use of electric vehicle charging, taxi and bus services and walking to the site. In addition to this, for staff, sustainable transport options would be promoted such as a car sharing and staff shower and changing facilities for those that cycle or run to work.

Conclusion

- 5.6.19 The ECC Highways 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), that the vehicle and cycle parking provision be provided prior to first use and an updated workplace travel plan along with a monitoring fee of £7,037.16, the fee can be secured through a s106 legal agreement. 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 and Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.7.2 The site does not fall within in a high risk flood zone as it is located in Flood Zone 1, the lowest risk flood zone.
- 5.7.3 The application has been submitted with drainage details which shows that the surface water drainage arrangements would be provided through an attenuation tank that would be positioned in the centre of the car park with all gulleys on site draining to this location. Permeable block paving is proposed to the car parking spaces. The attenuation tank then pumps water into the rising main which then feeds into a system that connects the surface water drainage systems that have been created throughout areas of the North Heybridge Garden Suburb.
- 5.7.4 This has been assessed by the Lead Local Flood Authority (LLFA) (ECC SUDS team) who advise that there is no objection subject to the imposition of conditions for the development to be carried out in accordance with the Flood Risk Assessment (FRA) and its mitigation; ; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; details of maintenance arrangements; and the recording of yearly logs of maintenance carried out. On this basis, the proposal is acceptable in relation to flooding and drainage.
- 5.7.5 The application identifies that foul drainage would be connected to the main sewer.
- 5.7.6 The application includes a topographical survey of the site's existing ground levels and a plan showing the proposed finished ground and floor level. This shows an increase in ground levels by up to 0.9m in places but the increases are closest to the centre of the site and away from the boundaries which would maintain similar ground levels to the existing ground levels.

5.8 Ecology and Biodiversity

- 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 hybrid planning consent (reference 15/00419/OUT). The development falls within the red line boundary of the hybrid 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. 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 hybrid 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.
- 5.8.6 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)

- 5.8.7 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.
- 5.8.8 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. The Place Services Ecology Advisor to the Council has identified that 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)

- 5.8.9 The hybrid 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 planning 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.
- 5.8.10 The application has been submitted with a Biodiversity Net Gain Report (Thompson Ecology Ltd, February 2025) and identifies that the site, post development, would result in a biodiversity net loss of habitat areas but a biodiversity gain of hedgerows. In order to claim biodiversity net gain off site compensation in the form of credits to achieve 10% net gain would be needed. A Biodiversity Gain Plan shall need to be submitted through a planning condition as identified by the Place Services Ecology Advisor to the Council. 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

- 5.8.11 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.
- 5.8.12 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.
- 5.8.13 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.

5.9 Viability and Planning Obligations

- 5.9.1 Paragraph 58 of the NPPF sets out the three tests required for planning obligations (as set in regulation 122(2) of the Community Infrastructure Levy Regulations) with all three tests needing to be met:
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

5.9.2 The previous application included the following reason of refusal:

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal fails to include adequate provision to secure the provision of the necessary contribution towards healthcare such that the impact of the development cannot be mitigated. The development would therefore be contrary to Policies S1 and I1 of the Local Development Plan 2017 and the National Planning Policy Framework.

5.9.3 Through the consideration of this application a financial contribution of £13,600 towards local healthcare provision is required by the NHS and a travel plan monitoring fee of £7,037.16. In light of paragraph 58 of the NPPF the proposal would give rise to increase demand on the local health service so the financial contribution towards local healthcare services are considered to meet the three tests. The applicant has confirmed that they are agreeable to the provision of this financial contribution which shall need to be secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The applicant has provided a Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, which has been checked and agreed by the Council's Planning Solicitor.

5.10 Sustainability

5.10.1 As part of the planning balance consideration has to be given to the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF with all three needing to be satisfied to achieve sustainable development and for the 'presumption in favour of sustainable development' to apply, as set out in paragraph 11 of the NPPF. It therefore needs to be demonstrated through any future submission that sustainable development is achieved.

5.10.2 For the economic objective, the proposal would create 50-60 jobs for the operational phase of the development as well as jobs for the construction phase of the development.

5.10.3 For the social objective, the development would help create a new community at this site. For both the social and economic objective the development would provide much needed care facilities for an aging population.

5.10.4 For the environmental objective, the proposed developments would deliver a high-quality designed development. Energy efficient measures are proposed through this application and would also be secured through the Building Regulations. The development would be built to surface water management measures to reduce flooding. As identified above the site is accessible by a range of transport modes.

5.10.5 It is therefore considered that the development can meet the Environmental, Social and Economic objectives as outlined in paragraph 8 of the NPPF.

5.11 Other Matters

5.11.1 With regards to archaeology, Place Services Archaeology Advisor has stated that no further archaeological fieldwork is required as the development has been previously evaluated.

5.11.2 With regard to ground conditions, the applicant's Geotechnical Report identifies that the site has remained undeveloped and agricultural use from as early as 1874 so there are no known land contamination risks associated with this site.

6. CONCLUSION

- 6.1.1 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). It is considered that the proposal has addressed the 3 reasons of refusal from the previous application.
- 6.1.2 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 hybrid 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.
- 6.1.3 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.
- 6.1.4 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.
- 6.1.5 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 (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.
- 6.1.6 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 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 Relevant planning history within the red outline and within close proximity.

Application No.	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	Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019.

Application No.	Description	Decision
	<p>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>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>	<p>47 Planning conditions S106 agreement</p>
24/00911/VARM	<p>Variation of condition 20 on planning permission 15/00419/OUT approved on appeal (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>The proposed change to the condition would alter the trigger for the provision of that part of the relief road that lies between Langford Road and</p>	<p>Approved</p>

Application No.	Description	Decision
	Maypole Road to be fully completed from 'prior to the occupation of the 100th dwelling' to 'prior to the 26 September 2025'.	
24/00569/FUL	Erection of 3 storey, 66 bed care home for older people with associated landscaping, car parking and access.	Refused 12.12.2024

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	No response	Noted
Heybridge Parish Council	Recommend the granting of planning permission subject to there being sufficient parking allocated for staff and visitors. That there is sufficient access for emergency vehicles and deliveries. The application must offer mobility scooter access. Ask that the evidence be provided that this application complies with parking standards	See section 5.4 of the report
Langford and Ulting Parish Council	No response	Noted

8.2 **Statutory Consultees and Other Organisations (*summarised*)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	No objection	Noted
Environment Agency	No response	Noted
Essex County Fire and Rescue Service	No objection as access is satisfactory and other requirements regarding fire safety are covered under the Building Regulations.	Noted and See section 5.4 of the report regarding access
Essex County Council Adult Social Care	No response	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions for a Construction Management Plan, dropped kerbs and tactile paving to be provided at access junction, vehicle parking to be implemented, Cycle parking to be provided, and an updated workplace travel plan along with a monitoring fee of £7,037.16	See section 5.4 of the report
Essex County Council SUDS team	No objection subject to conditions requiring the development to be carried out in accordance with the FRA and its mitigation, measures to minimize off site flooding, details of maintenance arrangements and a record to be kept of yearly logs of the maintenance carried out	See section 5.6 of the report
Essex Police	No objection	Noted
Natural England	No objection	Noted
NHS England	No objection subject to a financial contribution of £13,600 towards healthcare provision	See section 5.8 of the report
Place Services – Archaeology	No further archaeological fieldwork is required as the development has been previously evaluated	Noted
Place Services - Ecology	No objection subject to securing biodiversity mitigation and enhancement measures through conditions for a Construction Environmental Management Plan, actions required in accordance with ecological appraisal recommendations, the agreement of a biodiversity enhancement strategy, wildlife sensitive lighting design and a	See section 5.7 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Biodiversity Net Gain condition	
Place Services – Tree Consultant	No objection subject to conditions regarding landscaping and aftercare maintenance of landscaping	See section 5.4 of the report

8.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted
Housing	Residential nursing/care home would be a C2 use so not counted as housing provision but would advise they seek the view of social care and CCG regarding the impact this may have	Noted
Place Officer	No objection as the proposal would successfully integrate visually and socially with the local centre and surrounding residential parcels, bus stops and general access and movement to landscaped/open space areas	See section 5.2 of the report
Waste Management	No response	Noted

8.4 Representations received from Interested Parties (*summarised*)

8.4.1 No written representations have been received.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

Highways:

A financial contribution of £7,037.16 for monitoring of an updated workplace travel plan.

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.

The applicant has provided a Unilateral Undertaking, which is a s106 legal agreement for these payments which has been checked and agreed by the Council's Planning Solicitor.

PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents:
 1. Location Plan Cm9 4dt - A-01.B
 2. Topographical Survey Cm9 4dt - A-02
 3. Site Plan Cm9 4dt - A-03
 4. Floor Plans Cm9 4dt - A-04
 5. Elevations Cm9 4dt - A-05
 6. 3d Visual Cm9 4dt – A-06
 7. 3d Visual Cm9 4dt – A-06-1
 8. 3d Visual Cm9 4dt – A-06-2
 9. Cycle Store Details Sdl-034
 10. Bin Store Details Sdl-033
 11. Meter House & Garden Store Sdl-090b
 12. Landscape Masterplan 24_310_101.B
 13. Drainage Strategy Chhm-Bsp-Zz-Zz-D-C-240-P06
 14. Pv Battery Housing Pv-01a
 15. Substation Details Ss01
 16. External Lighting Scheme E104a
 17. Proposed Levels Plan - Cm9 4dt - I-14-D-
 18. Proposed Site Sections - Cm9 4dt - A-07REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 The development hereby permitted shall be constructed in accordance with the finished ground and floor levels as specified on the Proposed Levels Plan - Cm9 4dt - I-14-D- and the Proposed Site Sections - Cm9 4dt - A-07.
REASON: In order to safeguard the amenities of nearby neighbouring occupiers and in the interests of visual amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan 2017.
- 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 or 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
 - Construction vehicle routing
 - 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
 - Identification of biodiversity protection zones
 - The location of timing of sensitive works to avoid harm to biodiversity features
 - The times of construction when an ecologist needs to be present on site
 - 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, ecology and neighbouring amenity in accordance with Policies S1, D1, D4, N1, N2, T1 and T2 of the approved Maldon District Local Development Plan

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures detailed within the FRA:
- Limiting the discharge from the site to 0.5l/s.
 - Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 45% climate change critical storm event.

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. 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, January 2025).
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 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;
 - h) locations, orientation, and heights of proposed enhancement measures;
 - i) A timetable for implementation; and
 - i) details of persons responsible for the 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 use or occupation of the development shall occur until the hard and soft landscape works as detailed in Landscape Masterplan 24_310_101.B have been 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 secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

- 21 The trees and hedges identified for retention in the Arboricultural Survey Report and Arboricultural Impact Assessment (AIA) shall be protected during the course of the development. The trees and/or hedges shall be protected by chestnut paling fencing for the duration of the construction period at a distance equivalent to not less than the spread from the trunk. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To secure the retention of the trees/hedges within the site in the interests of visual amenity and the character of the area in accordance with

policy D1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

- 22 Notwithstanding the Travel Plan provided with this application, no use or occupation of the development shall occur until an updated workplace Travel Plan has been submitted to and agreed in writing with the local planning authority. The Travel Plan shall include detailed and specific measures to reduce the number of journeys made by car to the building hereby permitted and shall include specific details of the operation and management of the proposed measures. The commitments explicitly stated in the Travel Plan shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first operational use / occupation of the building hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the local planning authority. Upon written request, the applicant or their successors in title shall provide the local planning authority with written details of how the agreed measures contained in the Travel Plan are being undertaken at any given time.

REASON: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity in accordance with policy S1 and T1 of the approved Local Development Plan 2017, and guidance contained within the National Planning Policy Framework.

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.

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