

22 July 2025



Princes Road  
Maldon  
Essex CM9 5DL

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CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**DISTRICT PLANNING COMMITTEE on WEDNESDAY 30 JULY 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:	Councillor M E Thompson	
VICE-CHAIRPERSON	Councillor N D Spenceley	
COUNCILLORS	M G Bassenger	W J Laybourn
	V J Bell	S J N Morgan
	D O Bown	C P Morley
	J R Burrell-Cook	M G Neall
	S J Burwood	R G Pratt
	S Dodsley	R H Siddall
	J Driver	U G C Siddall-Norman
	M F L Durham, CC	P L Spenceley
	A Fittock	W Stamp, CC
	A S Fluker	E L Stephens
	L J Haywood	J C Stilts
	J C Hughes	N J Swindle
	K Jennings	S White
	K M H Lagan	L L Wiffen
	A M Lay	



**AGENDA  
DISTRICT PLANNING COMMITTEE**

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**WEDNESDAY 30 JULY 2025**

1. **Chairperson's Notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (To Follow)

To confirm the Minutes of the meeting of the District Planning Committee held on 15 July 2025.

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. **25/00160/FULM - Land South of Wycke Hill and Limebrook Way, Maldon, Essex**  
(Pages 7 - 42)

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 43 - 80)

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

7. **Any other items of business that the Chairperson of the Committee decides are urgent**
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**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 and 6.
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](http://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.

## DISTRICT AND AREA PLANNING COMMITTEE 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 Development Plans and Other Material Considerations:

### Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

### Other Material Considerations

#### Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [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](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [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](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)
- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)

- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

#### National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

#### Guidance, Supplementary Planning Documents (SPD) and Design Statements

##### *National-scale*

- [National Planning Practice Guidance](#)

##### *Sub-Regional / Essex-scale*

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

##### *District-scale*

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

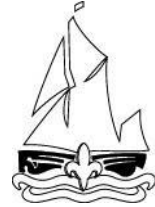
#### *Local-scale*

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

#### *Maldon District Local Development Plan Review Evidence Base*

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
  - [Assessment of Selected Sites](#)
  - [Maldon District Local Wildlife Sites Register 2022](#)
  - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
  - [Appendix G](#)
  - [Appendix H](#)
  - [Appendix I](#)
  - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



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

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to  
**DISTRICT PLANNING COMMITTEE  
30 JULY 2025**

<b>Application Number</b>	<b>25/00160/FULM</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way Maldon Essex
<b>Proposal</b>	Construction of 90 dwellings (Use Class C3), open space, landscaping, vehicular and pedestrian infrastructure, sustainable urban drainage and other associated works
<b>Applicant</b>	Crest Nicholson Eastern
<b>Agent</b>	Michael Smith - JCN Design & Planning
<b>Target Decision Date</b>	01.08.2025
<b>Case Officer</b>	Patrick Daly
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development

**1. PURPOSE OF UPDATE**

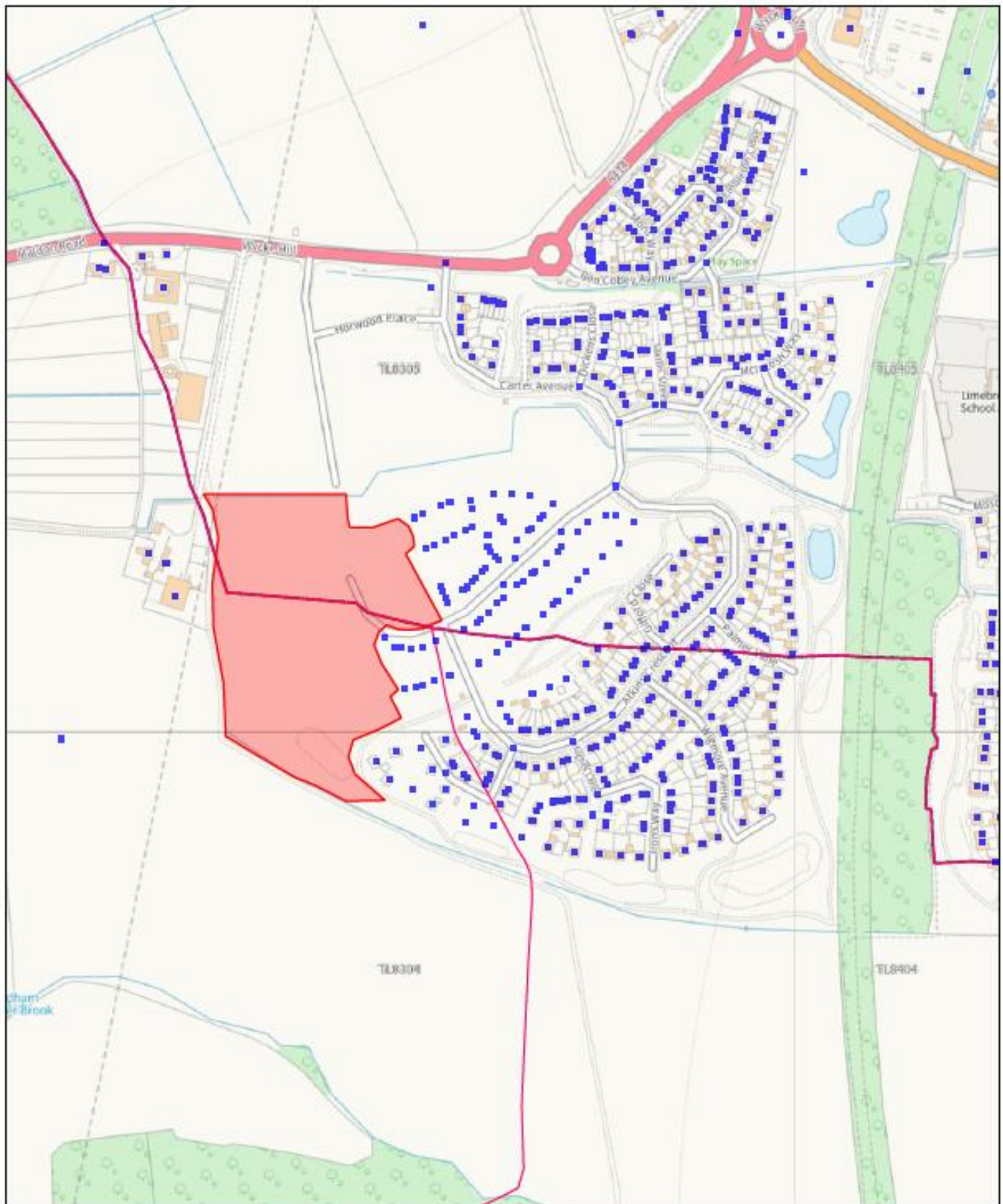
- 1.1 This matter was originally considered at a meeting of the District Planning Committee on 15 July 2025. After the conclusion of the meeting, it was brought to the Planning Authorities attention of an error in the voting process.
- 1.2 To ensure the Planning Authority makes a lawful decision in line with its Constitution, the Monitoring Officer has advised that this application must be reconsidered in full in line with the Council's Constitution to ensure a lawful decision is made.

**2. RECOMMENDATION**

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

**3. SITE MAP**

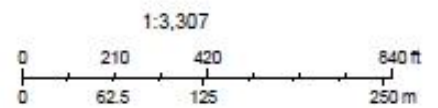
Please see below.



7/4/2025, 9:36:29 AM

DC Case Points

- F
- GMS BLP
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km





## **4. SUMMARY**

### **4.1 Application site**

- 4.1.1 The application site is located to the south of Maldon, approximately 2.5km from the town centre. It measures 3.6 hectares (ha) in size and comprises a mix of rudimentary vegetation and areas relating to construction of the wider strategic site. The site is generally flat, rising gently to the north towards the A414.
- 4.1.2 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) for which outline planning permission (reference 14/01103/OUT) was granted in December 2016 following the completion of a Section 106 Agreement for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares. The site the subject of the abovementioned Outline planning permission was subsequently separated into 'eastern' and 'western' parcels, which are separated by a disused railway known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction.
- 4.1.3 The current application site comprises the 'fourth phase' of the western parcel and is to the west of Phases 2 and 3, which are currently being constructed by Crest Nicholson. Essentially the site comprises residual land following the implementation of the wider strategic development site noted above, that has permission and is currently delivering 1,000 new homes and employment land, local centre, primary school and other associated development. It should be noted that reserved matters have been approved for all phases of the residential segments.
- 4.1.4 Turning back to the detail of the site and its surroundings, the site is mostly surrounded by existing development or dwellings under construction to the east, courtesy of permission (14/01103/OUT), subsequent variations and reserved matters and Phases 2 and 3 of the Western Parcel of the development. To the west lies the Woodham Mortimer Pre-School and agricultural land beyond.

### **4.2 Proposal / brief overview, including any relevant background information**

- 4.2.1 The proposal is for the erection of 90 new homes on the site comprising a mix of one to five bedroom homes. The site would be accessed via Carter Avenue to both the north and east, which is the principal road that serves the wider Western Parcel, which in turn leads to Maldon Road (A414) further north. The approved means of access granted via 14/01103/OUT to the site consists of two vehicular accesses off the A414 on the western side.
- 4.2.2 The dwellings would consist of a mix of mostly semi-detached and detached dwellings predominately with a small number of apartments / maisonettes, served by shared surface roads and a series of private drives. The dwellings would be a mixture of one, two and 2.5 storeys. External materials would consist of a mixture of red / red multi bricks, buff bricks, white / black boarding, ivory / off-white render, red or brown pan or plain tiles, or reconstituted slate tiles. Rear gardens would be enclosed by 1.8m high close-boarded fencing or, in public positions, brick walls.
- 4.2.3 Each dwelling would have parking spaces to the front and/or side of the unit and additional visitor spaces are pepper dotted throughout the development.
- 4.2.4 Landscaping would predominantly be located on the peripheries of the site in the form of grassland, pathways and trees linking to the wider strategic development site. Further tree planting is proposed along the streets, with larger trees proposed along

the spine road and smaller trees on the off shooting streets with shared surfaces. A swale is proposed to the south of the site that would be incorporated as part of the open space offering. It should be noted that this was already consented via 21/00889/RES for Phase 2.

- 4.2.5 Altogether, the proposal would comprise a 'fourth phase' of development on the Western Parcel of the land now known as 'Wycke Place', which is south of the land allocated for employment use.

### **4.3 Background**

- 4.3.1 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved LDP which gained outline planning permission (reference 14/01103/OUT) in December 2016. Following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'.
- 4.3.2 The outline planning permission included details of means of access to the site that forms this planning application; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the Site consists of two vehicular accesses off the A414 on the western side, an access (roundabout) off Limebrook Way and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 4.3.3 The planning history for the site and indeed the wider strategic development, is complex and involves several variations and reserved matters relating to relevant parcels of land. Following variations to the original consent, the site that forms part of this application represents the residual area of land following the delivery of housing on the surrounding plots, that cumulatively come to 1,000 units. The current application seeks planning permission for 90 dwellings, which would be in addition to the 1,000 dwellings granted planning permission within the Western and Eastern Parcels referred to above. It should be noted that the number of permitted dwellings has already been exceeded following the grant of full planning permission on the eastern parcel for an additional 42 dwellings in July 2023 (22/00454/FUL).
- 4.3.4 The first three phases of development in the western parcel have been developed in accordance with the densities provided in the approved parameter plans which has resulted in the 'leftover' parcel of land which is now the subject of this application.

### **4.4 Conclusion**

- 4.4.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (14/01103/OUT) and subsequent variations. The site is also part of a wider strategic allocation in the LDP as Strategic Site S2(a) and the site is the result of residual land leftover from the delivery of the wider strategic development site.

4.4.2 The provision of 90 dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing (27 dwellings). It is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links to the wider strategic site would be acceptable with a contiguous open space area surrounding the development to the south and west. Contributions to social infrastructure including education and health care would be garnered via a Section 106 (S106) legal agreement.

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

## **5. MAIN RELEVANT POLICIES**

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

### **5.2 National Planning Policy Framework (NPPF) including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 54-58 Planning conditions and obligations
- 61-84 Delivering homes
- 109-118 Promoting sustainable transport
- 124-130 Making Effective Use of Land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

### **5.3 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### **5.4 Relevant Planning Guidance / Documents:**

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)
- Local Housing Needs Assessment (2021)
- South Maldon Garden Suburb Strategic Design Code (2016)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

#### **5.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

- 5.5.1 The Section 106 Agreement associated with the outline planning permission for the Eastern and Western Parcels (reference 14/01103/OUT) secured the following:
- Highway and public transport obligations
  - Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units)
  - Education (provision of land for and a financial contribution to Essex County Council (ECC))
  - Healthcare financial contribution
  - Provision of an allotment site
  - Financial contribution for youth facilities
  - A local management organization to manage and administer the green infrastructure provided
- 5.5.2 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the requirements of the S106 agreement.
- 5.5.3 The proposed Heads of Terms for the current application agreed with the applicant are as follows:
- Affordable housing
  - Delivery of the on-site open space, including a specification for ongoing maintenance and control through a management company
  - Contribution towards delivery of a bus service through the Western Parcel
  - Funding for early years and childcare and primary education facilities
  - Funding for implementation of the Essex Coast RAMS
  - Provision of residential travel packs

### **6. MAIN CONSIDERATIONS**

#### **6.1 Principle of Development**

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the National Planning Policy Framework require that planning

decisions are to be made in accordance with the LDP unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

- 6.1.2 Policy S1 of the LDP promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF – an economic objective; a social objective; and an environmental objective. Moreover, Policy S1 states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF”* and includes key principles to be applied in policy and decision making.
- 6.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 6.1.4 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 22/00393/VARM). The site allocations within the LDP are for minimum housing numbers. The proposal would accord with the NPPF, paragraph 61, which refers to the Government’s objective of ‘significantly boosting the supply of homes’ and Chapter 11 ‘Making Effective Use of Land’, in particular paragraph 130 regarding achieving minimum densities. It is, therefore, considered the introduction of additional dwellings in this location is acceptable in principle.

#### Five Year Housing Land Supply (5YHLS)

- 6.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council prepares and publishes a Five-Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029’s plan monitoring period of 1 April to 31 March. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.
- 6.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 6.1.7 Given that the Council can no longer demonstrate a 5YHLS, it is clear that paragraph 11d would apply. However, to clarify the above, it is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.

- 6.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan. An assessment of the planning / tilted balance is provided later in this report.

#### Sustainable Development

- 6.1.9 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### Environmental dimension

- 6.1.10 Accessibility is a key component of the environmental dimension of sustainable development.
- 6.1.11 The application site is located within the allocated South Maldon Garden Suburb and at the edge of Maldon which is a main settlement both of which contain or will contain a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.

#### Social dimension

- 6.1.12 The development would provide 90 dwellings. The housing mix proposed is set out above. The Council currently encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (May 2021) (LHNA) identifies that the greatest need is for two and three-bedroom dwellings and therefore, the housing mix proposed, in relation to the housing needs identified as part of this recent LHNA is met. The development would also provide 30% affordable housing in line with Policy H1.
- 6.1.13 As a result, the development would contribute positively to the identified housing need and be sufficiently responsive to local circumstances, which weighs in favour of the proposal and complies with Policy H1 of the LDP.

#### Economic dimension

- 6.1.14 The development cannot be considered in isolation. It is an additional housing element to the strategic site and is the latest phase of development within the South Maldon site. Development has been ongoing for several years providing some element of local employment and likely trade for local business through the

construction phases and locally sourced materials. While the wider strategic site will provide for business through its local centre, the ever growing household numbers would and are contributing to the wider economy of Maldon.

#### Conclusion of principle of development

- 6.1.15 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal. Notwithstanding the current position regarding the Council's 5YHLS, as noted earlier in this report, the site is allocated in the LDP for residential led development, which should weigh heavily in the planning balance. This is discussed further in the conclusion of this report.

## **6.2 Housing Mix**

- 6.2.1 The NPPF is clear that housing should be provided to meet an identified need. This is supported through Policy H2 of the Local Plan which seeks to ensure that new housing reflects the need and demand of the District.
- 6.2.2 The LHNA is an assessment of housing need for Maldon District as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the NPPF and up to date PPG and provides the Council with a clear understanding of the local housing need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build. The LNHA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings, specifically, 25-35% 2-beds and 40-50% 3-beds.
- 6.2.3 The proposal includes a mix of unit sizes and includes a small number of one-bedroom apartments, bungalows, two, three, four and five bed dwellings. An overview over the accommodation schedule is provided below:

<b>House Type</b>	<b>Number Delivered</b>	<b>% of development</b>
1-bed apartment/bungalow	8	9
2-bed dwelling	25	28
3-bed dwelling	39	43
4-bed dwelling	16	18
5-bed dwelling	2	2
<b>Total</b>	<b>90</b>	<b>100</b>

- 6.2.4 Assessing the above housing mix against the needs set out in the LHNA, the scheme would meet the percentage requirements with the number of two-beds (28%) and three-beds (43%). The percentages of one-bed (9%) and four or more beds (20%) are within the ranges set out in the LNHA.
- 6.2.5 It is considered that the mix of units and the size of units proposed is supported and meets the requirements as set out in the LNHA and Policy H2 of the LDP.

## **6.3 Affordable Housing**

- 6.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on

affordable housing. The site falls within the Maldon Central area defined under Policy H1. The requirement towards affordable housing has been set at 30% of the total amount of housing provided under Policy H1 of the LDP.

- 6.3.2 The proposal includes 30% affordable housing provision (27 dwellings) which is policy compliant. The tenure split proposed meets the 75%/25% Affordable / Social Rented (20 properties) and Intermediate Affordable (seven properties) identified in the Local Housing Needs Assessment 2021.
- 6.3.3 Following discussions with the Developer / Agent, the development is now proposing the following mix of affordable dwellings:

*Affordable / Social Rented*

- 1 x 4 bed 7 person House
- 9 x 3 bed 5 person Houses
- 8 x 2 bed 4 person Houses
- 2 x 1 bed 2 person Bungalows

*Intermediate Affordable*

- 6 x 1 bed 2 person Apartments
- 1 x 2 bed 4 person House.

- 6.3.4 The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.
- 6.3.5 Affordable housing is spread across the site as detailed in the Development Layout Plan. The affordable housing layout is considered to be a good design approach being comparable to that proposed for the market housing element of the scheme and responds to the type of affordable housing needed. The approach also satisfies the Maldon District Design Guide SPD (2017) (MDDG) requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance *'to encourage social inclusion and community cohesion'*.
- 6.3.6 It should be noted that the bungalows provided also include a study area to the front elevation. Following Officer comments on the application, this area has been reduced in size so that it does not meet the minimum standards for a bedroom as set out in the Nationally Described Space Standards (NDSS), whereby to be classified as a bedroom, it must have at least 7.5 sq.m and be at least 2.15m wide. For clarity, the study room would be 8sq.m in size but only 2m wide and therefore cannot be marketed as a bedroom when the bungalows come forward for occupation.
- 6.3.7 Strategic Housing requested the removal of these studies in the first instance but given difficulties in redesign, it is requested that that wording is detailed within the Section 106 specifying that the 2 x one-bed, 2 person affordable rented bungalows are let as such and not as two bed properties.
- 6.3.8 The Council's Housing Strategy Team raise support the application on the above and the application is considered to accord with Policy H1 of the LDP.

## **6.4 Design and Impact on the Character and Appearance of the Area**

- 6.4.1 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. Indeed, good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of Policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

6.4.2 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.

6.4.3 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.

6.4.4 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.

6.4.5 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission including: 'Design Parameter Plan – Land Use'; 'Building Height'; 'Residential Amenity'; 'Green Infrastructure'; and 'Movement'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.

6.4.6 The application site is within the Woodland View character area as identified in the Masterplan. The following Design Codes relate to the development: Primary Street (PS01 PS03); Green Edge Streets (GE01); Green Space Streets (GS01 GS02 GS03); and Built Edge Streets (BS06 BS07).

### Density

- 6.4.7 In terms of density, given the site area and the provision of 90 dwellings, the level of density of this phase of development would be approximately 33 dwellings per hectare (dph). Taking this within the surrounding context, the adjacent parcel to the east, approved via 21/00889/RES delivered at varying densities in accordance with the Residential Density Parameter Plan, split into medium density (30-35dph) and low density (20-30dph) along the southern and most of the eastern boundary. Given the location of the site to the west of the approved scheme that is currently under construction and to the south of the proposed employment area, the density level of 33dph is considered acceptable and in accordance with the surrounding character of the wider development area.

### Layout

- 6.4.8 The residential development proposes to extend the existing spine road from Phase 3 northward towards the employment area to the north. The layout continues the hierarchy of internal roads, with the spine road being the principal thoroughfare, with other offshoot road being characterised by asphalt surfaces to improve legibility and wayfinding.
- 6.4.9 The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. The dwellings proposed along the site's external boundaries would be set back from these boundaries with intervening landscaping which would soften the visual impact of the development and would also accommodate and continue a pedestrian pathway that circumnavigate the wider development area.

### Scale

- 6.4.10 The dwellings would consist of a mixture of buildings, all two or two and half storeys in height and a mixture of around 22 different house-types across the site, all with pitched roofs and using traditional external materials. Dwellings of two and a half storeys would be concentrated on the spine road and on the periphery boundary to the west to offer articulation to the roofscape, breaking up any perception of repetitious scale.
- 6.4.11 It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. The character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site and consistent in relation to the schemes approved for previous phases within both the Eastern and Western Parcels of the wider development.

### Appearance

- 6.4.12 The Applicant is proposing different house styles to those that were approved on the nearest adjacent site to the west, approved via 21/00889/RES. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual clues such as pitched roofs, dormer windows, gabled projections, bay windows and chimneys and a cohesive mix of external materials to offer distinction yet unify the development. The maisonettes blocks would also have a similar appearance with gable ends, deep soffits and materiality of brick and render.

- 6.4.13 In comparing and contrasting, it is apparent from the submitted streetscenes that the house types proposed as part of this application are proposing subtle differences to what has been previously approved, with a greater proportion of dwellings focussing on lighter coloured elevations and roofs. Notwithstanding, black weatherboarding is still proposed on detached plots and red brick proposed predominantly on semi-detached units. The proposals also offer varying plot widths and roof profiles for additional expression.

#### Landscaping

- 6.4.14 The dwellings proposed along the site's external peripheries to the north, south and west would be set back from these boundaries with buffering landscaping, softening the visual impact of the development. The landscaping would incorporate pedestrian pathways that link to the wider development area to the east and would also include a drainage basin, which would also form part of the open space area. This large, contiguous open space that connects with existing provision is considered to provide ample landscaping for healthy lifestyles and well-being, as per policy requirements.
- 6.4.15 Street trees would line with thoroughfare and residential offshoots in conformity with previous consents on the wider development area.

#### Accordance with the Design Codes and Outline Consent

- 6.4.16 As the application site is within the Woodland View character area as identified in the Masterplan, it is important that the scheme accords with the Design Codes Primary Street (PS01 PS03), Green Edge Streets (GE01), Green Space Streets (GS01, GS02 and GS03), and Built Edge Streets (BS06 and BS07). Planning permission 14/01103/OUT also set a number of precedents with regards to design that should be adhered to.
- 6.4.17 Density of development is acceptable and within the medium density range of 30-35 approved at outline stage and with the aforementioned design codes.
- 6.4.18 The layout proposed follows the grain and layout of the approved phases that surround/will surround the development and generally is congruent with requirements of the aforementioned design codes. The scale proposed complies with the Building Heights Design Parameter Plan approved at Outline stage (up to 2.5 storeys) and there are no concerns in this respect.
- 6.4.19 The appearance follows the commenced development and as set out in the MDDG and the landscaping complies with the landscape led approach set out in the adopted Strategic Design Codes and Masterplan SPD, continuing the peripheral open space and foliage offering for screening and amenity purposes.

#### Character and Appearance of the Area

- 6.4.20 The development would inevitably result in the loss of an otherwise open greenfield land, albeit scarred that is currently used to facilitate the delivery of the wider development allocation and it would increase the density of the wider development area. However, as the site already forms part of the allocated parcel for development in the Local Plan and is relatively flat and contained given the presence of built form to the north and east (existing and forthcoming), the perceived impact on the character and appearance of the area is very much reduced in this instance. Even so, the site would be an obvious and logical location for housing given the policy context and the aforementioned setting.

- 6.4.21 Notwithstanding, the proposals would continue the extant approved landscape pattern that is predominantly located on the peripheries of the development parcels, providing an appropriate setting to the new development and would afford a softer edge to the development rather than the abrupt built form of parcels 2 and 3 as would be fallback position without consent.
- 6.4.22 Given the above, the proposal complies with relevant parts of policies D1 and H4 of the Maldon LDP concerning the character and appearance of the area.

#### Assessment

- 6.4.23 The Council's Principal Place Officer has been consulted on the application and has no objections to the design and layout of the scheme.
- 6.4.24 Given the above, the proposal complies with relevant parts of policies D1 and H4 of the Maldon LDP concerning design and the character and appearance of the area. The details provided with the application accord with the Design Code and would help deliver high quality garden suburb development in conjunction with the wider masterplan site.

### **6.5 Provision of Public Open Space and Landscaping**

- 6.5.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 6.5.2 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes a positive contribution in terms of Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 6.5.3 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that: *"The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development"*.
- 6.5.4 MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.
- 6.5.5 A further consideration is the 'Green Edge' Design Code 'Design Objectives' of the South Maldon.
- 6.5.6 The scheme proposes to include the provision of public open space, wrapping around the development to the south and west, acting as screening / buffering from

the surrounding countryside. Its siting and extent would continue the layout of the wider masterplan area with the open space located on the periphery of the site and linking from southeast (Phase 2) to the allocated proposed employment area to the north. The open space would also link to the green linkages located to the north (Phase 3) and the neighbourhood play area at the southern end that dissects the western parcel of the masterplan area.

- 6.5.7 The open space would integrate a drainage basin into its design and would incorporate tree planting throughout. Children's play space is not proposed but one of the aforementioned green linkages would connect to the neighbourhood play area to the centre of the western parcel.
- 6.5.8 The provision of open space is considered consistent with the wider masterplan area and as such, accords with Policies D1 and N3 of the LDP, the MDDG and The South Maldon Strategic Masterplan Framework.

## **6.6 Impact on Existing and Prospective Residential Amenity**

- 6.6.1 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.
- 6.6.2 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. The adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats. It is expected that each dwelling should provide the required level of amenity space provision.
- 6.6.3 Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

### Existing Amenity

- 6.6.4 Given the location of the site, existing amenity concerns are focussed on the dwellings that have already been approved via 21/00889/RES (Phase 3) that is closest to the site and are either under construction or are now occupied.
- 6.6.5 The proposed dwellings would be a maximum of two and a half storeys in height and positioned at appropriate distances, buffered by roads and/or landscaping. As such, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of Phase 3 by reason of overlooking, loss of outlook, visual impact, daylight and sunlight. Due to the residential nature of the development proposed, the proposal would not give rise any issues in relation to smell, light or pollution.
- 6.6.6 Regarding air quality, the accompanying assessment states that existing concentrations of NO<sub>2</sub> (Nitrogen Dioxide), PM (Particulate Matter) 10 and PM 2.5 in the area are well below the air quality objectives set for the protection of health. Future increases in traffic associated with this application are unlikely to significantly affect air quality and as such, no concerns are raised with regard to the development from the Council's Environmental Health Officer.
- 6.6.7 The Air Quality Assessment does, however, highlight issues of dust and particulates arising from construction period. Moreover, noise and disturbance would also be

limited to the construction period. As such. It is appropriate that mitigation is provided by way of condition as necessary, via a Construction Method Statement.

#### Prospective Amenity

- 6.6.8 All the proposed dwellings would meet the NDSS space requirements, both market and affordable units.
- 6.6.9 All of the private amenity spaces proposed comply with the recommended minimum sizes, varying between the minimum 50sq.m for two bed spaces and 100sq.m with those with three or more bedrooms, increasing up to a maximum of 167sq.m. The apartments located to the east of the site would also have communal gardens, measuring 50sq.m and 108sq.m. There would also be areas of public open space in close proximity to all of the dwellings proposed.
- 6.6.10 Direct 'back-to-back' distances would generally be at least 25m as recommended in the MDDG. Following a review of layout, there would be no instances of overlooking, privacy concerns or overbearingness.
- 6.6.11 The Noise Assessment submitted assesses the impact of traffic noise on the occupiers of the proposed dwellings and concludes that with either open or closed windows the BS8233 internal noise levels will be met in all properties using standard double glazing. The Council's Environmental Health Officer has recommended a condition that requires habitable rooms to meet specific noise criteria to protect future amenity. The imposition of this condition is considered relevant and necessary given the commercial area to the north.

#### **6.7 Access, Highways and Parking**

- 6.7.1 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 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 and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 6.7.2 The Council's adopted VPS contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

### Access

- 6.7.3 Turning to access first, the application site would be accessed via the existing spine road (Carter Avenue) to both the north and east, that connects the wider allocated development. This road is turn leads to Maldon Road (A414) further north. Whilst the allocated employment area to the north has not come forward for development yet, provision is made, nonetheless. Until this site is developed, prospective residents would utilise the eastern route of Cart Avenue. There are no concerns raised with this arrangement.
- 6.7.4 ECC Highways has raised concerns with the provision of a proposed access to the south-west corner of the site. This is not part of the Public Right of Way (PRoW) network and would require the permission of the adjacent landowner, which is unlikely to be forthcoming. Notwithstanding, there is concern that the pedestrian access could become an informal and unwanted route to Public Footpath 23 that lies beyond the boundary of the site to the south. ECC has requested that a condition is applied should consent be granted that prohibits a link beyond the site boundary and this is supported by Officers.

### Trip Rates

- 6.7.5 During the AM and PM peaks, there would be 46 and 44 two-way trips respectively, of which the majority would use the A414 Maldon Road (west).
- 6.7.6 When the above trip rates are integrated into the wider masterplan area, limited to Limebrook West (the western parcel), which already has consent for Phases 2 and 3 and the employment area to the north, there is a negligible impact on the surrounding highway. There is a 46% increase in vehicles on Carter Avenue in the AM peak, the main connecting thoroughfare on the site with only a 14% increase in the PM peak and this is expected given the location of the proposed housing. However, the impact on other key junctions remains in the low percentage digits or with no discernible change.
- 6.7.7 Given the above, ECC has not raised any concerns in regard to highway capacity or and impacts on junctions.

### Car and Cyle Parking

- 6.7.8 A Parking Layout Plan is submitted with the application that details the type and location of parking.
- 6.7.9 Each dwelling would have its own allotted parking spaces, which would correspond with the Council's adopted VPS, ranging from one, two and three parking spaces per dwelling. The location of parking would be either to the front or to the side of the host dwelling. Some of the parking would be covered with a car port, where appropriate. It is noted that some of the parking spaces are located quite deep into the plot of the host dwelling but this is positioned as such so as to facilitate the fire access vehicular turning areas as required by ECC Highways. Nonetheless, all parking meets the requisite space standards.
- 6.7.10 Given the size of the development, visitor parking is also proposed as required by the VPS. These spaces are located throughout the site on the main spine road and on the western and southern peripheries of the developable area adjacent to the proposed open space. A lesser number of visitor spaces are pepper dotted on the paved roads.

- 6.7.11 Electric vehicle parking is provided as standard for each dwelling given the provisions of Building Regulations Part S and would be either wall or bollard mounted. Covered cycle parking is provided for all dwellings, either within garages / car ports or within timber sheds in the rear garden area.

### Conclusion

- 6.7.12 Overall, the development is compliant with the policies of the NPPF, the LDP and the requirements set out in the VPS subject to requisite conditions requiring additional details.

## **6.8 Drainage and Flood Risk**

- 6.8.1 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.
- 6.8.2 The site is in Flood Zone 1, the lowest risk of flooding. Notwithstanding the outline consent, an important point that must be considered is the cumulative impact of the development on the drainage system especially with the densification of the site beyond what was originally envisaged. It is important to note however, that the surface water risk area identified within the redline plan is to be managed by the drainage systems of both Phase 2 and Phase 3 as approved and therefore, there is a lesser requirement for mitigation as part of this proposal.
- 6.8.3 Turning to the detail, surface water from the development would be attenuated within an attenuation basin to the south of the site, according to the Preliminary Drainage Strategy contained within the Flood Risk Assessment. It should be noted that this was already approved via 21/00889/RES for Phase 2. This arrangement follows the topography of the site that gently slopes downwards from northwest to southeast. Following assessment, the LLFA has requested that drainage modelling is provided for the 1 in 1 and 1 in 30 year rainfall events and this has been achieved via small changes to the attenuation basin to the south of the site. Notwithstanding, a condition will be attached should consent be granted, to formalise this strategy.
- 6.8.4 The foul drainage strategy for the Site is split into two catchments: the majority of the development would discharge into the infrastructure drainage underneath the spine road and a small number of units to the east would discharge into an existing sewer delivered via the wider strategic development. This will all be achieved by gravity fed sewers under private roads.
- 6.8.5 In all, the LLFA has responded requiring further clarification on micro drainage calculations from the Applicant, with the latest iterations requiring a comment from the LLFA. To date this is still outstanding, but the response will form part of Supplementary Report should it be forthcoming.

## **6.9 Biodiversity and Nature Conservation**

- 6.9.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.
- 6.9.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of



the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.

- 6.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that any development which could have an adverse effect on sites with designated *features*, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.
- 6.9.4 Policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.

#### Ecology

- 6.9.5 The application is supported by an Ecological Walkover Survey undertaken by James Blake Associates. As the site has been cleared in order to facilitate the delivery of the wider masterplan site, there is very little by way of ecological assets on the site, save for some rudimentary vegetation. Whilst the site was considered suitable for badgers, no evidence was found during the investigation. The site is not considered suitable for nesting birds given the lack of vegetation and there are no waterbodies within 250m that would pertain to the presence of amphibians. Overall, the site is considered to have limited ecological value. As the time of writing, no comments have been received by the Council's Ecologist (Place Services) and as such, any comments and conditions will form part of a Supplementary Report prior to Committee.

#### Biodiversity Net Gain (BNG)

- 6.9.6 The target BNG for this project is 10% as set out in the in the Environmental Act (2021).
- 6.9.7 With regards to these requirements, the proposed provision of generous areas of new planting, landscaping and public open space provide good potential for achieving biodiversity net gain. The overall increase is projected to be 19.4%, above the prerequisite amount as set out in statute. Place Services have raised no objection.

#### Trees

- 6.9.8 Given the condition of the site, the application is not accompanied by arboricultural details. However, the application is accompanied by tree, hedge and scrub planting details that provide a list of specimens that will be used throughout the site. This should be read in conjunction with the landscaping plans.
- 6.9.9 The Tree Officer has been consulted and is supportive of the proposals and the specimens chosen. A broad mix of native species would be delivered and would offer screening to the boundaries of the site and amenity enhancements via street planting and defensible spaces at the front of dwellings.

### Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast RAMS

- 6.9.10 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.
- 6.9.11 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.
- 6.9.12 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the Zol for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 90no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 90no. dwellings

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

#### Summary of Appropriate Assessment

- 6.9.13 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 6.9.14 A proportionate financial contribution towards visitor management measures will also need to be secured from the developer in line with the Essex Coast RAMS (£163.86 per dwelling in line 2024 / 25 tariff) for delivery prior to occupation, to be secured by planning obligation. This is necessary to avoid adverse effects upon the coastal Habitats Site from recreational disturbance in combination with other plans and projects.

## Conclusion

- 6.9.15 It is considered there is sufficient information submitted to assess protected and Priority species and that subject to conditions, any impact would be acceptable. Sufficient information submitted in relation to Mandatory BNG. The applicant is willing to enter into a legal agreement to secure the necessary RAMS contribution. Accordingly, the proposal accords with policies S1, D1, N1 and N2 of the LDP and provisions in the NPPF.

## **6.10 Other Environmental Considerations**

### Air Quality

- 6.10.1 An air quality assessment has been submitted with the application. The construction phase is likely to give rise to dust upon nearby residential properties and this risk is not considered significant for human health subject to sufficient mitigation measures being implemented. The mitigation measures would include covering stockpile and dampening soil. Such measures can form part of the Construction Environmental Management Plan which will require details of all mitigation measures to be agreed through a planning condition.
- 6.10.2 The impacts of operational traffic generation associated with the proposed development have been considered and are anticipated to be below the Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) screening criteria and as such, the impacts are not considered significant.

### Energy and Sustainability

- 6.10.3 The Applicant has submitted an Energy Statement with the application that confirms that all homes will meet the minimum requirements under Building Regulations Part L 2021 and will exceed Building Regulations Part L 2013 by 31%. This will lead to a saving of over 69,000kg of carbon dioxide per year.

### Contaminated Land

- 6.10.4 The submitted Phase 1 Desk Study and Risk Assessment reviews previously submitted ground investigations for the wider Limebrook Way site. It also considers the site within its current context as an active construction site as well as its past use as agricultural fields. Considering the recent surrounding development and the history of the site, the associated risks are considered to be very low in this instance and no further investigations or remediation is necessary.

### Heritage and Archaeology

- 6.10.5 The proposed development is located on the edge of the historic town of Maldon but was previously identified having a 'generally low potential for archaeological remains' with 'limited potential to contain prehistoric remains'. Indeed, the site has been fully archaeologically investigated and a post-excavation assessment submitted and approved. As such, there are therefore no further archaeological recommendations being made with regard to this application.

### Health Impact Assessment

- 6.10.6 The Applicant has submitted a Health Impact Assessment with the application. It reviews the health and well-being of both existing and future residents. In summary, no significant impacts are envisioned arising from the development. The

development will however have an impact on the local doctors and dentists, and this will need to be mitigated against via S106 contributions (discussed below).

### Waste

- 6.10.7 Waste services have responded on the application and have provided some standing advice. They have asked for confirmation regarding plots 395 and 397 to the northeast of the site and the potential accessibility of a refuse vehicle.
- 6.10.8 On review, this road is only accessible for pedestrians. However, there is potential provision for two routes to a refuse collection area to the east from the front and rear of the dwellings, although it appears from the plans that no rear gated access would be provided. Even so, drag distances from the front of the dwellings to the area to the east would be approximately 25m, which is not uncommon. Officers raise no concerns in this respect, but a Waste Strategy can be conditioned to request further details if considered necessary.

## **6.11 Viability and Planning Obligations**

- 6.11.1 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 test 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
- 6.11.2 Along with other key principles, policy S1(11) requires decision makers to: *“Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including Section 106 agreements and/or Community Infrastructure Levy and other funding sources”*. LDP policy I1 also requires developers to contribute towards local and strategic infrastructure and services necessary to support the proposed development. It also states that where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts.

### Healthcare

- 6.11.3 The Mid and South Essex Integrated Care System (the ICS) response notes that the two closest surgeries Blackwater Medical Centre and the Longfield Medical Centre are both over capacity and there is an existing deficit of 937sq.m of practice floorspace.
- 6.11.4 The ICS note that development could give rise to an additional 216 new residents, which would subsequently transpire to additional demand for health services. As such, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £44,600 in order to deliver an additional 14.8sq.m of floorspace as part of a S106 legal agreement.
- 6.11.5 Previous comments have been raised regarding the delivery of a medical centre as part of the wider strategic development site. The Applicant does not control this part of the strategic site and therefore cannot influence its provision. However, as noted above, the Applicant will contribute financially to healthcare provision for the local area.

### Education and Libraries

6.11.6 Essex Education has stated the following in response to the consultation request. The development is expected to generate the need for up to 7.3 Early Years and Childcare (EY&C), 24.6 Primary school, and 16.4 secondary school places. As such, the following contributions would be triggered:

- Early Years Education: £126,056.40 index linked (£17,268 per place);
- Primary Education: £424,792.80 index linked (£17,268 per place); and
- Secondary Education: f £389,910 index linked (£23,775 per place).

### Libraries

6.11.7 The demand generated by this proposal amounts to a contribution of £77.80 per dwellings, which cumulatively would come to of £7,002 index.

### Highways

6.11.8 Additional contributions are sought by Essex County Council Highways of £300,000 towards improving public transport links between the site and other local destinations. An annual monitoring fee of £1,817 (index linked) is also sought.

### The Applicant's Response

6.11.9 The Applicant has been made aware of the above request for contributions and has questioned the amounts tabled, especially given that the wider development has already been implemented, with a nursery and primary school already delivered and operational and highways contributions already secured.

6.11.10 The Applicant has indicated that they will be appointing consultants to look at the amounts requested in further detail, including pupil numbers and current capacity of schools in the local area. Whilst this may delay the execution of a S106, it is a post-Committee matter that has no bearing on the principle of development and the planning balance; the subsequent agreement of contributions is to mitigate the impacts of the development and must accord with the Community Infrastructure Levy Regulations 2010. As such, Officers are minded to allow for further negotiations post-Committee prior to entering into a S106 Agreement and to bottom out both education and highways contributions.

### RAMS

6.11.11 Given the above assessment, a proportionate financial contribution towards visitor management measures will be secured from the developer in line with the Essex Coast RAMS (£163.86 per dwelling in line 2024 / 25 tariff) for delivery prior to occupation, to be secured by planning obligation. This is necessary to avoid adverse effects upon the coastal Habitats Site from recreational disturbance in combination with other plans and projects.

## **6.12 Planning Balance and Conclusion**

6.12.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

6.12.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7 years), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states:

*“any adverse impacts of doing so (approving the development) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

6.12.3 In regard to the above and in judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.

6.12.4 Turning to benefits first, the scheme would provide new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position. The delivery of affordable housing (27 units) is given very substantial weight, especially as the site is located on the edge of Maldon, the main settlement in the District and on a site allocated in the LDP for housing.

6.12.5 Matters in relation to open space are afforded moderate weight in light of its general continuation of the existing arrangement. Employment opportunities arising from the proposals via construction jobs is given very limited weight considering its transient nature.

6.12.6 The main impact of the development that are harmful is the discordance with the development plan and the site allocation, whereby the proposals together with the surrounding planning permissions would lead to a greater number of homes being delivered against the allocated number in the LDP (1,000). This is afforded limited weight in the planning balance.

6.12.7 The planning balance is not a mathematical exercise whereby an amount of weights of benefits equals an acceptable scheme, but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the harms identified with this particular proposal which are of importance to decision making. On the merits of this particular proposal, the benefits clearly outweigh the harms.

## **7. ANY RELEVANT SITE HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>14/01103/OUT</b>	Outline application for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.	Approved

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>16/01454/FUL</b>	Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>16/01458/FUL</b>	Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>17/00396/FUL</b>	Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>18/00070/FUL</b>	Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>18/00071/FUL</b>	Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2,	Approved

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
	C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	
<b>19/00101/MLA</b>	Application for a modification to Section 106 legal agreement executed under planning application OUT/MAL/14/01103 as amended by Deed of Variation (references FUL/MAL/16/01454 and FUL/MAL/17/00396)	Approved
<b>19/01093/FUL</b>	Full planning application for infrastructure works, including foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.	
<b>19/01134/FUL</b>	Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>20/00074/FUL</b>	Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	Approved
<b>20/00294/FUL</b>	Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works,	Approved



Application Number	Description	Decision
	including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.)	
<b>20/00856/PROW</b>	Diversion of a public footpath 41 (PROW 253) & 14 (PROW 248) Diversion Order made 01.07.2022	Approved
<b>21/00889/RES</b>	Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking.	Approved
<b>22/00393/VARM</b>	Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	Approved
<b>22/01256/RESM</b>	Reserved matters application for the approval of appearance, landscaping, layout and scale of Phase 3 of the Western Parcel (comprising 78 residential dwellings (Use Class C3), new public open space and	Approved

Application Number	Description	Decision
	car parking) of approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	

## 8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Objects based on the lack of information relating to the mix of housing and affordable housing provision, the size of parking bays and EV charging bays, landscaping and green space and access onto the A414. A Transport Plan should also be submitted including details of a new bus route through the western parcel.	Housing mix discussed at paragraph 6.2.3 of the Committee report.
Woodham Mortimer With Hazeleigh Parish Council	Objection based on the lack of infrastructure such as schools, medical services and the road network.	Noted. Matters discussed in sections 6.7 and 6.11.

### 8.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objections subject to conditions	Discussed in section 6.7.
Archaeology	No objections	Discussed in

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
		paragraph 6.10.5
Mid and South Essex Integrated Care System	No objection subject to a S106 legal agreement and contribution of £44,600 towards healthcare provision	Discussed in section 6.11.
Anglian Water	No objections	Noted.
Lead Local Flood Authority	No comment received to date following revised drainage calculations.	Not applicable (N/A)
UK Power Networks	No comment received	N/A
Environment Agency	No comment received	N/A
Natural England	Mitigation required in relation to the contributions to RAMS (163.86 per dwelling.)	Discussed in Section 6.9 of the Committee Report
Education Department	Contributions triggered towards early years, primary and secondary school education and library provision.	Discussed at section 6.11 of the Committee report.
Ecology	No response received.	N/A

### 8.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions in relation to construction management and noise insulation.	Listed as Condition 4 and 6 respectively in Committee Report.
Tree Officer	No objection	Discussed in paragraphs 6.9.8 and 6.9.9.
Planning Policy	No comment received	N/A
Housing Department	No objections subject to S106 legal agreement	Covered at Sections 2 and 9 of the Committee Report
Place Services – Design	No objection	Noted. Discussed in sections 6.4 and 6.5.
Place Services – Ecology	No comments received to date. To form part of a Supplementary Report.	Any update received to be reported to Committee.
Waste	No objection but clarification needed regarding plots 395 to 397 and access for vehicles.	Noted. Discussed above at Section 5.10.7 and 5.10.8 of the Committee Report

### 8.4 Representations received from Interested Parties

8.4.1 No letters of representation have been received.

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

**HEADS OF TERMS OF SECTION 106 AGREEMENT**

**Affordable Housing:**

Agreed housing mix of houses (social/market), apartments and bungalows comprised of affordable/social rented, intermediate affordable and market

**Education and Libraries**

Contributions in respect of early years and childcare, primary and secondary school places

Contributions to the enhancement and improvement of library and related services at a cost commensurate to the development.

Employment and Skills (Employment and Skills Plan)

**ECC Monitoring Fees:**

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

**NHS:**

Contributions towards healthcare provision and infrastructure.

**Essex Coast RAMS:**

A financial contribution to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the ZOI of the Essex Coast protected areas.

**Indexing:**

All contribution payments to be index linked.

**S106 Legal and District Council Monitoring fees:**

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

**PROPOSED CONDITIONS:**

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

3. 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. REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.

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 Plan shall include the following:

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

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

5. A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) is to be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

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

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

REASON: To enhance Protected and Priority Species / habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

6. Design and construction of the development shall ensure that the following noise criteria are met:
- 1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
  - 2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
  - 3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

REASON: In the interests of residential amenity and in accordance with policies D1 & D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

7. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Arboricultural method statement (including drainage service runs, landscaping and construction of hard surfaces)

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

REASON: In the interests of the character and appearance of the development and to secure opportunities for enhancing the site's nature conservation value in accordance with Policies S1, S3, S4, S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF

8. Notwithstanding site layout and Masterplan drawings, there shall be no link provided from outside of the development to/from Public Footpath No 26 (Woodham Mortimer parish) in the south-west corner of the site.

REASON: To protect the integrity of the Public Right of Way and ensure the continued safe passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

9. 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:

- 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
- wheel and underbody washing facilities

**REASON:** To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

10. Woodham Mortimer public footpath no 26 and Maldon public footpath no 41 shall be resurfaced consistent with Phase 2 of the overall Land south of Limebrook Way development immediately to the east of the site, i.e. self-binding gravel. The north-south aligned section that runs alongside a proposed new path shall include signage that clearly indicates what is part of the Public Right of Way network and what is privately-owned by the developer.

**REASON:** To protect the integrity of the Public Right of Way and ensure the continued passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

11. Notwithstanding site layout and Masterplan drawings, there shall be no link provided from outside of the development to/from Woodham Mortimer public footpath no 26 in the southwest corner of the site.

**REASON:** To protect the integrity of the Public Right of Way and ensure the continued passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

12. Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period from first occupation of the development until one year after final occupation.

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as Essex County Council Supplementary Guidance.

13. Prior to occupation of the development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport to each dwelling, as approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).

**REASON:** In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as Essex County Council Supplementary Guidance in February 2011.

### **Plans and documents**

The application is accompanied by supporting documents as follows:

- Covering letter
- Application form
- Location Plan CN077-PH4-PL-01 rev. C
- Master Development Layout CN077-PH4-MP-01 rev. F

- Development Layout CN077-PH4-PL-02 rev. F
- Detailed Layout CN077-PH4-PL-03 rev. E
- Parking Layout CN077-PH4-PL-04 rev. E
- Garden Areas Layout CN077-PH4-PL-05 rev. E
- Storey Heights Layout CN077-PH4-PL-06 rev. E
- Refuse Layout CN077-PH4-PL-07 rev. E
- Materials Layout CN077-PH4-PL-08 rev. F
- Affordable Housing Location Plan CN077-PH4-PL-09 rev. F
- Sustainability Plan CN077-PH4-PL-10 rev. E
- Landscape Proposals 3181-5-2 DR-0001 rev. S4-P6
- Planting Proposals 1 of 5 3181-5-2 DR-0002 rev. S4-P5
- 16. Planting Proposals 2 of 5 3181-5-2 DR-0003 rev. S4-P5
- 17. Planting Proposals 3 of 5 3181-5-2 DR-0004 rev. S4-P5
- 18. Planting Proposals 4 of 5 3181-5-2 DR-0005 rev. S4-P6
- 19. Planting Proposals 5 of 5 3181-5-2 DR-0006 rev. S4-P6
- 20. Hard Surfaces and Boundaries 3181-5-2 DR-0007 rev. S4-P6
- 21. Typical Tree Planting Details 3181-5-2 DR-0008 rev. S4-P1
- 22. Planting Palette: Trees & Specimens, Hedges 3181-5-2-DR-0009 rev. P2
- 23. Planting Palette: General Planting 3181-5-2-DR-0010 rev. P1
- 24. Planting Palette: Defensive Scrub & Margins 3181-5-2-DR-0011 rev. P1
- 25. Preliminary Drainage Strategy 2303001-010 rev. C
- 26. Preliminary Levels Strategy 2303001-020 rev. A
- 27. Highway General Arrangement 2303001-030 rev. A
- 28. Vehicle Tracking General Arrangement 2303001-040 rev. A
- 29. 1 Bed Bungalow 1BBa, Plans and Elevations CN077e-PH4-HA-1BBa-01 rev. B
- 30. Aldenborough Ada, Plans and Elevations CN077e-PH4-HT-Ada-01 rev. D
- 31. Bacton BAa, Plans and Elevations CN077e-PH4-HA-BAa-01
- 32. Calthorpe CLa, Plans and Elevations CN077e-PH4-HT-CLa-01 rev. A
- 33. Calthorpe CLb, Plans and Elevations CN077e-PH4-HT-CLb-02 rev. A
- 34. Chelmsford CHa, Plans and Elevations CN077e-PH4-HT-CHa-01 rev. A
- 35. Chelmsford CHb, Plans and Elevations CN077e-PH4-HT-CHb-02 rev. B
- 36. Chelmsford CHc, Plans and Elevations CN077e-PH4-HT-CHc-03 rev. B
- 37. Edgeworth EWa, Plans and Elevations CN077e-PH4-HT-EWa-01 rev. A
- 38. Edgeworth EWb, Plans and Elevations CN077e-PH4-HT-EWb-02 rev. A
- 39. Feering FEa, Plans and Elevations CN077e-PH4-HA-FEa-01 rev. A
- 40. HA52a, Plans and Elevations CN077e-PH4-HA-HA52a-01 rev. D
- 41. HA52b, Plans and Elevations CN077e-PH4-HA-HA52b-02 rev. B
- 42. Maldon MAa, Plans and Elevations CN077e-PH4-HT-MAa-01 rev. B
- 43. Needham NEa, Plans and Elevations CN077e-PH4-HA-NEa-01
- 44. Needham NEb, Plans and Elevations CN077e-PH4-HA-NEb-02
- 45. Richmond RMa, Plans and Elevations CN077e-PH4-HT-RMa-01
- 46. Richmond RMb, Plans and Elevations CN077e-PH4-HT-RMb-02



- 47. Steeple STa, Plans and Elevations CN077e-PH4-HT-STa-01 rev. A
- 48. Steeple STb, Plans and Elevations CN077e-PH4-HT-STb-02
- 49. Winchester Wla, Plans and Elevations CN077e-PH4-HT-Wla-01
- 50. Winslow WLa, Plans and Elevations CN077e-PH4-HT-WLa-01
- 51. Winslow WLb, Plans and Elevations CN077e-PH4-HT-WLb-02
- 52. Cycle Store, Plans and Elevations CN077-PH4-CS-01
- 53. Garage SG1 and SG3, Plans and Elevations CN077-PH4-GR-01
- 54. Garage DG1, Plans and Elevations CN077-PH4-GR-02
- 55. Street Scenes A and B CN077-ST-01 rev. C
- 56. Street Scenes C, D and E CN077-ST-02 rev. A
- 57. Street Scenes F and G CN077-ST-03 rev. A
- 58. Street Scenes H and I CN077-ST-04
- 59. Air Quality Assessment (reference 2303001-ACE-XX-00-RP-C-0801, June 2024)
- 60. Arboricultural Impact Assessment (reference JBA 23/114 AR01 rev. C, June 2024)
- 61. Biodiversity Net Gain Calculation (reference JBA 23/114 ECO02a SW, May 2024), plus Biodiversity Metric 4.0 Calculation Tool (May 2024) in Excel format
- 62. Design Statement (Revision 07, December 2024)
- 63. Ecological Walkover Survey (reference JBA 23/114 ECO01 SW, May 2024)
- 64. Energy and Sustainability Statement (May 2024)
- 65. Flood Risk Assessment (reference 2303001-ACE-XX-00-RP-C-0301, December 2024)
- 66. Health Impact Assessment (December 2024)
- 67. Landscape Management and Maintenance Plan (May 2023)
- 68. Noise Assessment (reference 2303001-ACE-XX-00-RP-C-0601, July 2024)
- 69. Phase 1 Desk Study (reference 1923335-R01(00), May 2024)
- 70. Planning Statement (December 2024)
- 71. Statement of Community Involvement (June 2024)
- 72. Transport Assessment (reference 2303001-ACE-XX-00-RP-C-0101A, December 2024)

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

to  
**DISTRICT PLANNING COMMITTEE  
30 JULY 2025**

<b>Application Number</b>	<b>24/00911/VARM</b>
<b>Location</b>	Land at Broad Street Green Road and Langford Road Maypole Road Great Totham
<b>Proposal</b>	<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"> <li>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)</li> <li>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)</li> <li>(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)</li> <li>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)</li> <li>(v) A Relief Road between Broad Street Green Road and Langford Road (Detailed element)</li> <li>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);</li> <li>(vii) Construction of initial gas and electricity sub-stations (Detailed); and</li> <li>(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).</li> </ul> <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>
<b>Applicant</b>	Vistry Group
<b>Agent</b>	Kevin Coleman - Phase 2 Planning & Development Ltd
<b>Target Decision Date</b>	31.05.2025 (Time Extension agreed with applicant)
<b>Case Officer</b>	Chris Purvis
<b>Parish</b>	<b>GREAT TOTHAM, HEYBRIDGE, AND LANGFORD AND ULTING</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan Major Application

## 1. PURPOSE OF UPDATE

- 1.1 This application was originally considered at a meeting of the District Planning Committee on 22 May 2025 which resolved to approve the application subject to the

conditions and the Section 106 legal agreement from planning permission reference 15/00419/OUT (Minute No. 56 refers).

- 1.2 The purpose of this update is to enable the Committee to reconsider the application with the benefit of an Environmental Impact Assessment (EIA) Screening Direction in order to ensure the decision made complies with the relevant regulations.
- 1.3 Section 1.4 below hereby comprises the updated matters before the Committee for further consideration and to ensure compliance with the legislation and the Constitution, this report will be required to be reconsidered by the Committee.

#### **1.4 Environmental Impact Assessment**

- 1.4.1 Following the conclusion of the Committee meeting of 22 May 2025, in which the Committee voted to approve the application in accordance with officer's recommendation, it was brought to the attention of officers that a procedural error had occurred in their consideration and assessment of the planning application which had the implication of materially impacting on decision taken by Committee (subject to the completion of a Section 106 legal agreement).
- 1.4.2 This was immediately investigated, and it was found that the error was that the applicant had specifically submitted a written request for the District Council as Local Planning Authority (LPA) to undertake an EIA Screening of the S73 application as permitted by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Where the applicant chooses to make this request, it is for the LPA to adopt (or undertake) a Screening Opinion within 21 days of receipt of the request to determine whether the development requires an EIA (a full assessment of the Environmental Impacts of the Development on the local area). That Screening Opinion had not however, in error, been carried out and it was well beyond the 21-day timescale in which it could be done by the LPA. A possible consequence of this is that any decision issued without the Screening Opinion having been carried out would run the risk of Judicial Review with any such decision taken being quashable in the High Court. It should be noted that the Committee's resolution to accept the recommendation to approve planning permission is not the final granting of planning permission. Planning permission is only granted when the legal Decision Notice has been signed, dated and issued, together with any legal agreement, should one be attached. Given the circumstances and to safeguard the legal integrity and confidence in the recommendations and decisions of the District Council as the LPA, the Assistant Director – Planning and Implementation withheld the issuing of the decision until further review work was undertaken.
- 1.4.3 In circumstances where a LPA has not adopted a Screening Opinion within 21-days, a mechanism exists in which the applicant can themselves seek a Screening Direction, from the Secretary of State (SoS) directly. If the SoS concluded that the development was not EIA development (therefore no EIA of the development is required), the LPA could determine the application legally.
- 1.4.4 A Screening application was submitted to the SoS on 12 June 2025 and a decision was received on 21 July 2025 (**APPENDIX B**). The SoS wrote (in the covering letter to the report summarising the findings, attached at **APPENDIX A**):

*"The above development falls within the description of paragraph 10 (b) urban development projects, and 13 (b) any change to or extension of development, where that development is already authorised, executed or in the process of being executed, of Schedule 2 to the 2017 Regulations, Therefore, the Secretary of State*

*considers the proposal to be Schedule 2 development' within the meaning of the 2017 Regulations.*

*However, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations, the Secretary of State does not consider that the proposal is likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 5 (5) of the EIA Regulations.*

*Accordingly, in exercise of the powers conferred on her by regulation 7 (5) of the 2017 Regulations, the Secretary of State hereby directs that the proposed development described in your request and the documents submitted with it, '**is Not EIA development**' within the meaning of the 2017 Regulations."*

- 1.4.5 It is useful set out the Conclusion to the SoS report in reaching a determination on the Screening Request:

*"Conclusion – This application would not result in any changes to the consented development. Impacts of the development have already been assessed, and it has been designed with mitigation, through conditions and a section 106 legal agreement, to mitigate adverse impacts. Any change to the impacts, due to the imposition of the amended condition, will be limited. Overall, based on the available information, the Secretary of State has concluded that there are no other issues or factors in this case, in this specific location, that either in isolation or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required".*

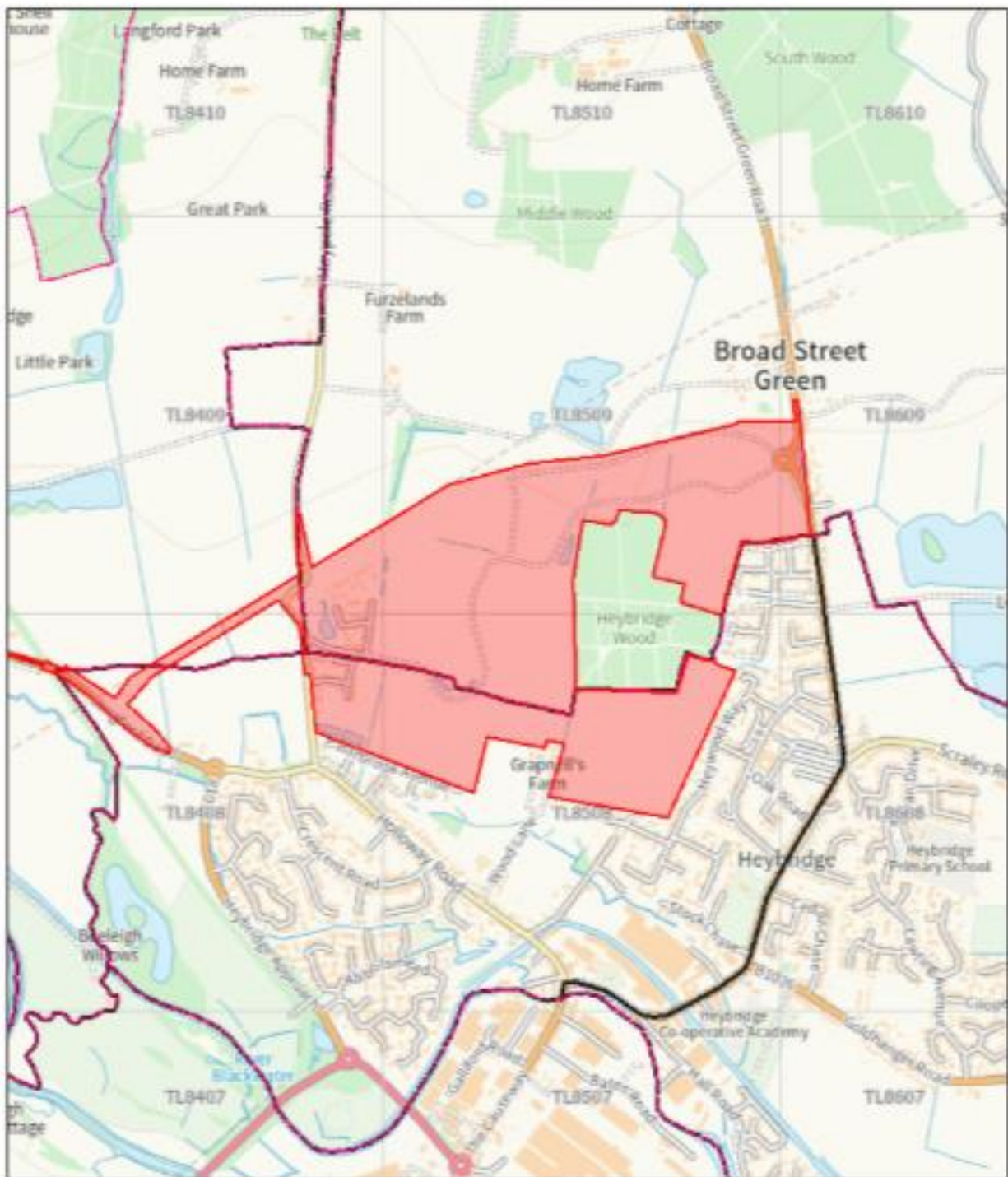
- 1.4.6 It is stated therefore that due process has now been carried out and satisfactorily concluded.
- 1.4.7 Although this application was considered by Members previously, in light of the matters above, and that Members did not, in hindsight have all the relevant material considerations in front of them for consideration, due process had not been carried out. The decision to support officers' recommendation on 22 May 2025 is therefore null and void, and the application is required to be considered anew in light of the EIA Screening Direction.
- 1.4.8 Members are therefore requested to consider the above matter as part of and in context of the substantive report below and in accordance with officers' recommendation.

## **2. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 10 of this report) and subject to the Section 106 legal agreement from planning permission reference 15/00419/OUT.

## **3. SITE MAP**

Please see below.



## 4. **SUMMARY**

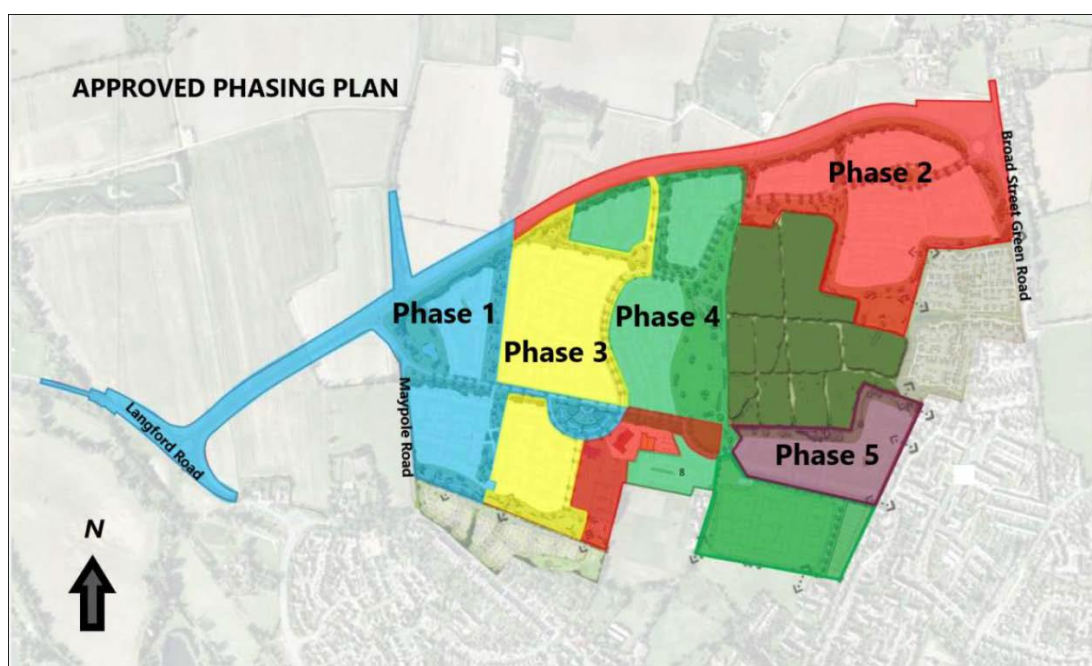
### 4.1 **Proposal / brief overview, including any relevant background information**

#### Background

4.1.1 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).

4.1.2 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:



- 4.1.3 Relevant to this application is the full planning permission element of the permission which includes the Relief Road.
- 4.1.4 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.
- 4.1.5 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.
- 4.1.6 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.
- 4.1.7 The agent's documentation confirmed that as of 17 October 2024, 88 properties were occupied.

#### Site Description

- 4.1.8 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'.
- 4.1.9 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.
- 4.1.10 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

- 4.1.11 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 4.1.1 above.
- 4.1.12 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.
- 4.1.13 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.*
- 4.1.14 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.*
- 4.1.15 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 350<sup>th</sup> occupation, which involves the eastern section of the Relief Road.
- 4.1.16 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.
- 4.1.17 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 Lanford 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.
- 4.1.18 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.

## **4.2 Conclusion**

- 4.2.1 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.
- 4.2.2 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 10 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.

## **5. MAIN RELEVANT POLICIES**

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

### **5.1 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

**5.2 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

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

**5.4 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

## **5.5 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.)*

- 5.5.1 As identified in section 2 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).

## **6. MAIN CONSIDERATIONS**

- 6.1 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

### **6.2 Principle of Development and Highway Considerations**

- 6.2.1 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.

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

- 6.2.2.1 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.

- 6.2.2.2 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.

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

- 6.2.2.4 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.

- 6.2.3 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.

- 6.2.4 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.
- 6.2.5 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.
- 6.2.6 Policy I1 (Infrastructure and Services) sets out the Council's approach to securing infrastructure and services to meet the needs of new development.
- 6.2.7 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.*
- 6.2.8 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.*
- 6.2.9 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.
- 6.2.10 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.

- 6.2.11 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.
- 6.2.12 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.
- 6.2.13 Further information has been provided regarding the proposed roadworks and the timetable for these works. The applicant has provided a press release and a Langford Road residents letter that has been circulated to the community as set out below:

*Temporary Closure of Langford Road Announced as Final Phase of Heybridge Northern Relief Road Begins*

*Residents, businesses and road users are being advised of planned upcoming major highway works in Heybridge, Essex, as part of the final construction phase of the Heybridge Northern Relief Road, ahead of its opening later this year.*

- *Phase one: Temporary traffic lights from 30 June 2025 to 22 July 2025 - Temporary traffic signals will be operational along a section of Langford Road, Heybridge (red area on Map 1 overleaf). During this period Langford Road and Maldon Road will remain open to all traffic, although delays can be expected.*
- *Phase two: Full Road closure from 23 July 2025 to 31st August 2025 - A section of Langford Road (from 95 metres north-west of its junction with Langford Roundabout for approximately 435 metres in a north westerly direction) will be temporarily closed.*
- *Phase three: Temporary traffic lights: 1st to 19th September 2025 - Temporary traffic signals will be in operation along a section of Langford Road, Heybridge (red area on Map 1 overleaf). During this period Langford Road and Maldon Road will remain open to all traffic, although delays can be expected.*

*The closure will take place approximately 400 metres south of the Hatfield Road/Langford Road junction, extending to the Langford Road arm of the roundabout with Heybridge Approach. The closure is necessary to complete the final segment of the Heybridge Northern Relief Road ahead of its scheduled opening later this year.*

*Appropriate diversions will be in place via: Maldon Road, Hatfield Road, The Street, London Road, A12, Maldon Road, Main Road, Chelmsford Road, Oak Corner, Maldon Road, Wycke Hill, Limebrook Roundabout, Spital Road, Maldon Bypass, Pond Roundabout, Heybridge Approach, Langford Road Roundabout and vice versa. This will affect the wider route between Hatfield Peverel, Heybridge and Maldon, so*

drivers are advised to plan journeys and allow additional travelling time. During the closure of Langford Road, arrangements for bus services will be outlined and advertised separately.

While Maldon Road and Hatfield Road will be closed to through traffic, local access will be maintained for residents and businesses from the north via the diverted route.

We encourage residents and commuters to stay informed by using the Essex Highways website, where there is an interactive “Future and current roadworks map”, available at: <https://www.essexhighways.org/interactive-maps-and-live-travel-information>

6.2.14 The diversion route is shown below:

**MAP 1 (Right)** - This plan illustrates the extent of the road closure detailed as a solid red line.

**MAP 2 (below)** - This plan illustrates;

**PURPLE** - the formal diversion for all vehicles during the road closure.

**YELLOW** - The ‘access only’ route (no through traffic to Heybridge),

**RED** - section of Langford Road to be fully closed in Red.



6.2.15 In addition to the press release the applicant has provided rebuttal comments to the Langford and Ulting Parish Council objection and these points are summarised below:

- The trigger point for the condition was to do with showing sufficient progress on the implementation of the relief road rather than addressing a specific highways impact arising on occupation of the 100<sup>th</sup> dwelling.
- The Highway Authority support this application so there are no objections from a highways point of view.
- The timescale for the temporary road closure was driven by the Highway Authority as they did not want the roads closed outside of the summer of 2025 in order to reduce impacts on residents and businesses in Maldon.

6.2.16 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.

### **6.3 Whether there have been any other material changes**

6.3.1 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.

### **6.4 Whether there have been any other changes to conditions or planning obligations**

6.4.1 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.

6.4.2 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 10 of this report.

6.4.3 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.



## 6.5 Other Matters

- 6.5.1 Only one letter of objection has been received and a response to these points is provided in the table in section 9.4 of the report below.

## 7. CONCLUSION

- 7.1 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. In addition, the application required an assessment of whether the proposed amendment would result in the development being EIA development under Schedule 2 of the 2017 EIA regulations. The application was found not to be EIA development by the SoS on 21 July 2025 as potential impacts from the development have been accounted for within the original approval.
- 7.2 The proposal would result in a new planning permission and an updated list of planning conditions are set out in full in section 10 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.

## 8. ANY RELEVANT SITE HISTORY

- 8.1 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

## 8.2 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

### 8.3 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

#### **8.4 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

#### **8.5 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

#### 8.6 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.

### 9. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### 9.1 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 and Ulting Parish Council	<p>Object to the proposed variation of Condition 20, which seeks to amend the trigger for the full completion and opening of the Relief Road between Langford Road and Maypole Road.</p> <p>It is noted that the developer previously advised that 103 dwellings would be occupied by 1st December 2024, thereby triggering the requirement under Condition 20. This deadline has not been met. The developer is now applying to vary this condition, seeking to defer completion of the Relief Road to a fixed date of 26th September 2025.</p> <p><b>Parish Council Concerns:</b></p> <p><u>1 - Breach of Planning Condition</u> The current condition was clearly breached as the 100th dwelling has been occupied without the Relief Road being completed.</p> <p>This constitutes a failure to comply with an enforceable planning requirement, and the Parish Council questions why Maldon District Council has not taken enforcement action to address this.</p>	<p>Officers are aware that occupations have progressed beyond 100 dwellings and therefore beyond the trigger point of the condition to require compliance with the condition.</p> <p>In response to point 1, this does mean that the development is in breach of condition 20 but approval of this application would address that breach and as explained in paragraph 4.1.17 of the report the works are timetabled to commence from 30 June and would be completed before the 26 September in accordance with the wording of the proposed varied planning condition.</p> <p>If the application were to be refused and the Council considered that formal enforcement action was necessary,</p>

Name of Parish / Town Council	Comment	Officer Response
	<p><u>2 - Importance of the Relief Road</u> The Relief Road was a key justification for permitting such a large development in this location. It was intended to alleviate pressure on local roads, particularly Langford Road and the surrounding network.</p> <p>Delaying its delivery undermines the original planning balance and raises serious concerns about increased traffic through Langford village and road safety implications.</p> <p><u>3 - Setting a Precedent</u> Granting this variation risks setting a dangerous precedent where developers may disregard agreed conditions with the expectation they will later be amended.</p> <p>This weakens public trust in the planning system and in the enforceability of obligations designed to protect local communities.</p> <p><u>4 - Lack of Justification</u> The application does not present compelling evidence or justification for the proposed change.</p> <p>No explanation is provided as to why the developer has failed to meet the previously agreed timetable or what efforts have been made to remedy the delay.</p> <p>In conclusion, Langford &amp; Ulting Parish Council strongly objects to the proposed variation and urges Maldon District Council to:</p> <ul style="list-style-type: none"> <li>• Refuse application 24/00911/VARM on the grounds that the condition has already been breached and the variation undermines the integrity of the original planning approval;</li> <li>• Initiate enforcement action to require the developer to comply with the original terms of Condition 20;</li> <li>• Reaffirm the importance of timely infrastructure delivery as an</li> </ul>	<p>enforcement action taken this would not result in the road works taking place any quicker, as the works and timetable have been agreed the Highway Authority based on minimising disruption to the highway network. The Highway Authority considered the proposed timetable for the works the least disruptive to other road users.</p> <p>In response to point 2, the importance of the Relief Road is recognised and as stated above is to be delivered in accordance with the proposed timetable.</p> <p>No response required to point 3 as that is the Parish Council's opinion.</p> <p>In response to point 4, paragraph 4.1.16 of the report explains the delay.</p>

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>integral part of sustainable development in the District.</p> <p>The Council believes the interests of the community, road safety, and planning integrity must be upheld</p>	

## 9.2 Statutory Consultees and Other Organisations (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
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 &amp; 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 6.2 of this report which has reviewed and considered these comments is assessing this application
National Highways	No objection	Noted

## 9.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
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 6.4.3

#### 9.4 Representations received from Interested Parties (*summarised*)

- 9.4.1 **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 6.2.9 to 6.2.16 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 6.2.9 to 6.2.16 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

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

As identified in section 2 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 by 26 September 2025**

- 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.



Ministry of Housing,  
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Your ref:  
Our ref: PCU/EIASCR/X1545/3367641  
Date: 21 July 2025

Dear Kevin Coleman

**Request for a Screening Direction  
Town and Country Planning (Environmental Impact Assessment) Regulations 2017  
Proposal to vary condition 20 to planning permission (15/00419/FUL) to alter the  
trigger for the provision of the relief road to be fully completed at land at Broad Street,  
Green Road and Langford Road, Heybridge, Essex.**

I refer to your request dated 12 June, made under 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) ("the 2017 Regulations") for the Secretary of State's screening direction on the matter of whether or not the above development is 'EIA development' within the meaning of the 2017 Regulations.

The above development falls within the description at paragraph 10(b) urban development projects, and 13(b) any change to or extension of development, where that development is already authorised, executed or in the process of being executed, of Schedule 2 to the 2017 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2017 Regulations.

However, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations the Secretary of State does not consider that the proposal is likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 5(5) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on her by regulation 7(5) of the 2017 Regulations the Secretary of State hereby directs that the proposed development described in your request and the documents submitted with it, **is not 'EIA development'** within the meaning of the 2017 Regulations.

Planning Casework Unit      OFFICIAL  
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Any permitted development rights which your client's proposal may enjoy under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I am sending a copy of this letter and the written statement to Maldon District Council.

Yours sincerely

*J Dodgson*

**Jake Dodgson**  
**Senior Planning Casework Manager**

*This decision was made by officials on behalf of the Secretary of State, and signed on her behalf*

Town & Country Planning (EIA) Regulations 2017  
**Secretary of State Screening Direction – Written Statement**

Application name:	Land At Broad Street Green Road, Maypole Road and Langford Road, Heybridge, Essex
SoS case reference:	PCU/EIASC/R/X1545/3367641
Schedule and category of development:	<b>10(b)</b> Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas, and <b>13(b)</b> Any change to or extension of development of a description listed in paragraphs 1 to 12 of column 1 of this table, where that development is already authorised, executed or in the process of being executed.

**Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects.**

The Secretary of State has considered whether the above proposal is likely to have significant environmental effects. She has undertaken this screening, taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and having also had regard to Planning Practice Guidance ("PPG"). Furthermore, she has screened having regard to the location, nature and characteristics. As set out in PPG, the main matters relevant in the consideration for development in these categories are physical scale of this development, potential increase in traffic, emissions and noise.

*Schedule 3 selection criteria for Schedule 2 development refers:*

*1 (a) – (f) regarding characteristics of development*

The construction of the development has already been approved (planning application: 15/00419/FUL) and impacts have already been considered and assessed. This proposal relates solely to varying condition 20 to the planning permission, to alter the trigger for the provision of the relief road to be fully completed from, 'prior to the occupation of the 100th dwelling' to 'prior to the 26 September 2025'. Most of the relief road has already been built and any change to the resulting impacts, from the imposition of the altered condition, extending the timeframe for completion of the relief road, will be limited.

*2 (a)-(c) (i) – (viii) regarding location of development*

The site is not within a sensitive area but is near several European protected areas on the Essex coast, including; the Blackwater Estuary Special Protection Area, Ramsar site, and Essex Estuaries Special Area of Conservation, and the Blackwater Estuary Site of Special Scientific Interest. The site borders Heybridge Wood, ancient woodland. Significant effects on these areas is unlikely as Section 106 and condition requirements for the consented development would be reimposed to mitigate impacts. The site is north of the built-up area of Heybridge, around 1km north of the Causeway and around 2km north of Maldon Town Centre, between Langford and Maldon. The villages of Wickham Bishops and Great Totham are also to the north.

*3(a) –(e) regarding characteristics of potential impact*

**Highway impacts**

Completion of the relief road works is proposed during the holiday period to minimise disruption to residents. There is no objection from the highway authority. Whilst, it will result in a small increase in

traffic on Holloway Road/Maypole Road, as more dwellings will be occupied prior to the completion of the relief road, traffic growth is projected to be lower than previously foreseen. The applicant considers the continued housebuilding in the period sought would not result in material impacts to highway safety, whilst the revised timing is likely to be beneficial in terms of reducing impacts on residents and businesses. The Local Planning Authority states that the amended condition would not result in any changes to what has already been consented. The relief road is essential mitigation, designed to address congestion and environmental problems as a result of the consented scheme. Planning permission included highway conditions and a section 106 to mitigate impacts, which will be reimposed for this application. Based on the available information, the application would not result in any changes to the consented development and significant effects on local transport routes are unlikely.

### **Impact on air quality**

Whilst the delay to the works will result in a small increase in vehicle trips, the Environmental Statement (ES), for the consented development, considered the air quality associated alongside traffic growth. Overall impacts have already been assessed, and standard best practice and conditions will effectively manage risks during construction. Based on the available information, the application would not result in any changes to the consented development and significant effects on air quality are unlikely.

### **Noise**

The increase in vehicle trips may generate noise. However, the ES concluded that even with the full development completed, and considering all traffic growth, the long term change in noise was imperceptible on the local highway network. Updated versions of the conditions can be reimposed. Based on the available information, the application would not result in any changes to the consented development and significant effects in this regard are unlikely.

### **Conclusion**

This application would not result in any changes to the consented development. Impacts of the development have already been assessed, and it has been designed with mitigation, through conditions and a section 106 legal agreement, to mitigate adverse impacts. Any change to the impacts, due to the imposition of the amended condition, will be limited. Overall, based on the available information, the Secretary of State has concluded that there are no other issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required.

Is an Environmental Statement required?	No
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Name	Astrid Lawrance
Date	21 July 2025