



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

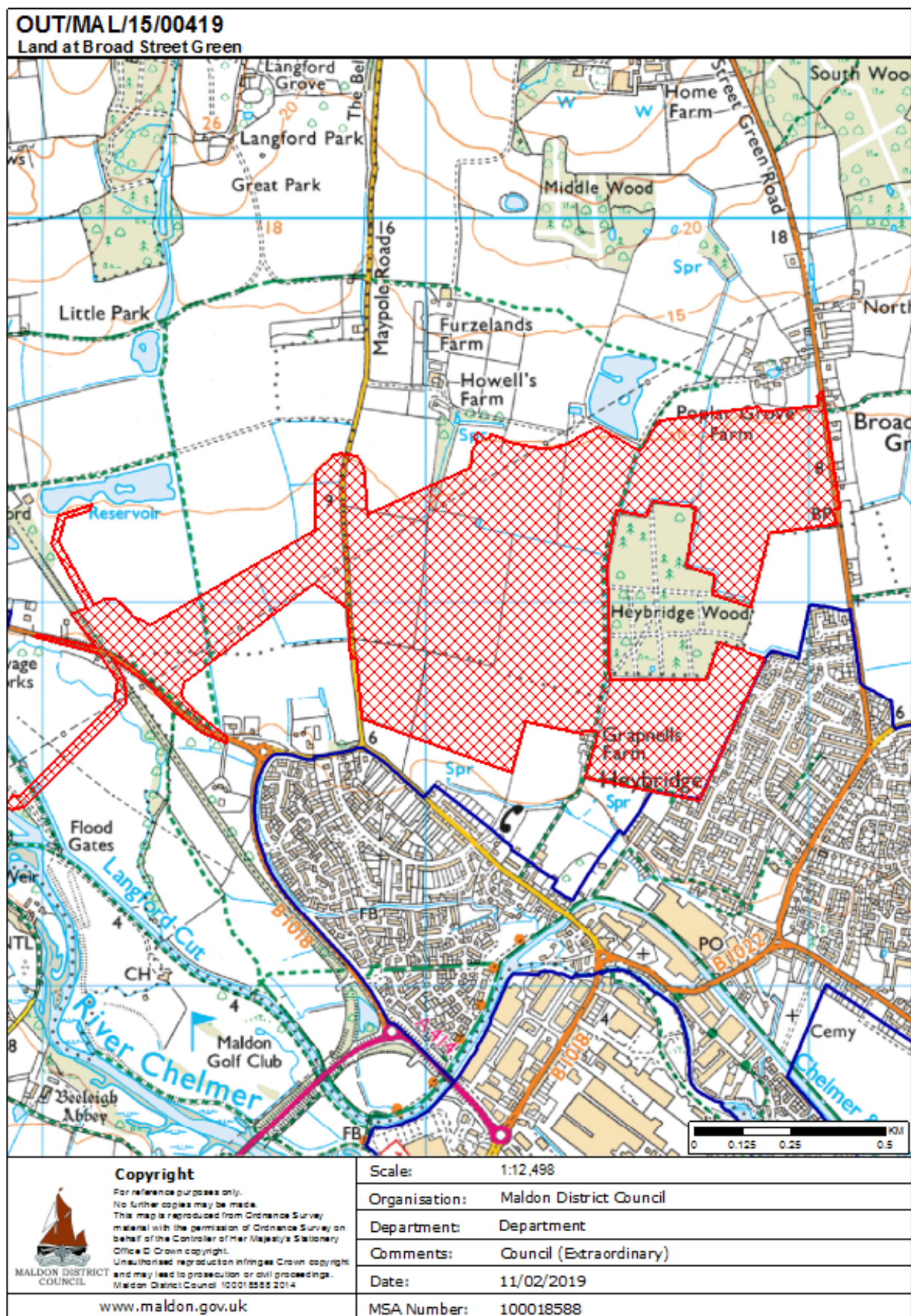
to  
**COUNCIL (EXTRAORDINARY)**  
**28 FEBRUARY 2018**

<b>Application Number</b>	<b>OUT/MAL/15/00419</b>
<b>Location</b>	Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex
<b>Proposal</b>	Amended application part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) (Outline) (ii) Residential Care (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).
<b>Applicant</b>	Countryside Properties & EC, MA & DC Watson & KL Watson-Knee
<b>Agent</b>	Mr Kevin Coleman - Phase 2 Planning & Development Ltd
<b>Target Decision Date</b>	TBC.
<b>Case Officer</b>	Ian Harrison , TEL: 01621 875751
<b>Parish</b>	<b>GREAT TOTHAM, HEYBRIDGE, LANGFORD AND ULTING.</b>
<b>Reason for Referral to the Committee / Council</b>	Environmental Impact Assessment Strategic Site S2(d) within the Approved Local Development Plan Major Application

**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 36 of this report.

## 2. SITE MAP



### **3. SUMMARY**

#### **3.1 Application Site**

- 3.1.1 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
- 3.1.2 The site is currently mostly in agricultural use. The submitted topographical reports show that there is a fall of 4.5m across the site from east to west and a fall of 3.5 m from north to south.
- 3.1.3 This site forms the largest part of three sites in the North Heybridge Garden Suburb (NHGS). Site S2(e) lies to the south of this site fronting onto Holloway Road and Site S2 (f) lies to the east of this site adjacent to part of Heybridge Wood and Broad Street Green Road. Both these sites have permission for residential development and construction has commenced at both sites.
- 3.1.4 Of relevance to this site is 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.

#### **3.2 Proposal - Application History**

- 3.2.1 The application to which this report refers was originally submitted to the Council in April 2015. Following amendments to the application during its consideration, a report was placed before an extraordinary meeting of the Council on 7 December 2016 to consider the planning application. Members resolved to grant planning permission subject to the completion of a Legal Agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The legal agreement was not completed and therefore the decision was not issued.
- 3.2.2 Included within the original application was the proposed construction of a Strategic Flood Alleviation Scheme (FAS) which would have served to help reduce the current impacts of flooding within the central area of Heybridge. However the delivery of that piece of infrastructure was dependent upon certainty and clarification being provided regarding the ongoing future maintenance and ownership of the FAS.
- 3.2.3 During 2017 it became apparent that the Environment Agency would not be able to commit to the long term maintenance of the FAS. Therefore the proposal has been amended to omit the FAS. The amended proposal seeks to use a surface water drainage scheme within the site itself to manage surface water through standard sustainable urban drainage principles. As a result the application site area has been reduced (from 91.7ha to 76.4ha) due to the exclusion of land which would have contained both the FAS and associated infrastructure.
- 3.2.4 As the site and the development has changed the Council sought a legal opinion as to whether the development can be considered as an amendment to the same application. To assist in making the correct and informed decision the Council sought Counsels advice on this from Emma Dring (Barrister at Cornerstone Barristers) in May 2018.

- 3.2.5 Advice concluded that the Council has a broad discretion to allow amendments, even if they are substantial. The Council must exercise its discretion reasonably, having regard to the scale of the changes proposed and the need to demonstrate fairness to both the applicant and the general public. If an amendment is accepted then fairness must be ensured to the public and, if challenged, the Council must be able to demonstrate that:
- the development and the impact of the amendment is explained in a clear and considered manner and;
  - any decision the Council reaches is reasonable to the circumstances and can be rationally justified.
- 3.2.6 It was also made clear with the legal advice that any amendments must be the subject of a suitable phase of public consultation and that interested parties have full opportunity to comment on the amended proposals.
- 3.2.7 In this case the removal of the FAS and the subsequent reduction in the size of the application site could be viewed as substantial in its own right. However the revised proposal must be seen in the context of the whole application. The FAS was one part of a much larger application and its removal from the application does not make the proposal so substantially different that justifies a new application to be submitted. However as the FAS was an important part of the original application there needs to be a public re-consultation. This is fair to the public and not unreasonable to the applicant.
- 3.2.8 The applicant has therefore proceeded and the original Environmental Impact Assessment (EIA) has been updated to take into account the changes. Other updates have also occurred to a number of technical reports including, but not restricted to, a new Flood Risk Assessment (FRA), design and access statement, relief road plans (including drainage), ecological report etc. In making their amendments, the applicant has explained the changes in a supplementary document to make the proposed alterations clear, transparent and easy to understand. The differences in the manner in which the site would be developed are clarified in the table below:

Use	Hectares (ha)	Hectares (ha)
	Original scheme	Amended scheme
Residential	40	34.54
Local Centre	2.47	2.26
Open Space	17	21.86
Roads (infrastructure)	5.96	5.96

- 3.2.9 Following receipt of the necessary amended information, full consultation has taken place, including new press notices, on site advertisement and full consultation with neighbours and, statutory and non-statutory consultees, the views of which are as set out in this report. Essentially the same process has been followed as would have been the case for a brand new planning application. In following this process the Council is able to reach a decision which is informed by a full phase of consultation and can therefore be transparent and rationally justified.

### **3.3 Proposal - Overview**

- 3.3.1 The application is a hybrid application that seeks part outline planning permission and part full planning permission for a mixed use development that comprises of the elements set out below.
- 3.3.2 The full planning permission that is sought relates to the following:
- A new relief road (50mph speed limit) between Langford Road and Broad Street Green Road bisecting Maypole Road and creating a staggered junction with new roundabout junctions onto Broad Street Green Road and Langford Road.
  - Gas and electricity sub-stations.
- 3.3.3 Outline planning permission, with all matters reserved, is sought for the following aspects of the development:
- 1,138 dwellings, with 30% being affordable housing;
  - A local centre (Use Classes A1, A2, A3, A4, A5 and D1 uses);
  - Residential Care C2 use for 120 bed spaces;
  - 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.
- 3.3.4 All matters are reserved under the outline elements of the scheme. The access arrangements (excluding the relief road) layout, appearance, landscaping and scale will form the reserved matters.
- 3.3.5 The plans for determination include the following Design Parameter Plans:
1. Land Use
  2. Green and Blue Infrastructure
  3. Access and Movement
  4. Building Heights
  5. Residential Density
- 3.3.6 An indicative strategic phasing plan has also been included with the application for information purposes.
- 3.3.7 The original application was supported by an Environment Statement (ES) which demonstrates an EIA has been undertaken for a development of up to 1,140 residential units and is supported by a number studies appended to the ES. In addition the application has been accompanied with a number of supporting documents including a Design and Access Statement (DAS), Statement of Community Involvement (SCI),

Arboricultural Impact Assessment (AIA), Transport Assessment (TA) and a Planning Statement (PS).

- 3.3.8 The amended application makes reference to the above ES and adds to and amends the document to reflect where changes have occurred. A number of updated studies have been submitted not least of which is the new amended Flood Risk Assessment (FRA) as the site no longer relies on a FAS to capture and divert water away from the site, but now seeks permission for the internal treatment of water reaching the development, and run off from the same, in an integrated Sustainable Urban Drainage Scheme in the open areas of the development, which have been extended in area to take this into account.
- 3.3.9 In addition, and due to the cost of the FAS infrastructure being removed, the applicant now proposes for 30% of the housing units at the site to be affordable housing. The applicants former viability assessment, which proposed reduced affordable housing has therefore been withdrawn
- 3.3.10 All of the parameters plans referred to in paragraph 3.3.5 above have been tested within the Environmental Impact Assessment to establish the impact of the proposals and understand the implications of the development proposed on this site.

### **3.4 Proposal - Phasing**

- 3.4.1 The development would be constructed over a ten year period and is identified as being built out in four phases. The table below sets out the indicative phases and their associated timelines:

Phase One 0-18 months	<ul style="list-style-type: none"> <li>• Langford Road junction completed.</li> <li>• Broad Street Green Road junction completed.</li> <li>• Maypole Road staggered junction completed.</li> <li>• Haul road between Langford Road and Maypole Road constructed to base course.</li> <li>• Residential development on the first land parcels commences.</li> </ul>
Phase Two 18 months – 3 years	<ul style="list-style-type: none"> <li>• Completion of the principle road within the Garden Suburb.</li> <li>• Completion of one third of the residential development split between the western most sector of the site and the north eastern corner adjacent to the Broad Street Green Road junction.</li> <li>• Implementation of the standalone Early Years facility.</li> <li>• Implementation of the pedestrian route through from the existing development to the South into the Garden Suburb.</li> <li>• Completion of the Relief Road prior to the 350<sup>th</sup> occupation.</li> </ul>

Phase Three 3-6 years	<ul style="list-style-type: none"> <li>• Anticipated completion of one further third of the residential development.</li> <li>• Implementation of the Maypole Road Bus Improvement Scheme (if required) by 500<sup>th</sup> occupation.</li> <li>• Completion of the local centre; primary school and second early years facility.</li> <li>• Provide land for medical centre within the Local Centre.</li> </ul>
Phase Four 6-10 years	<ul style="list-style-type: none"> <li>• Provide final third of the residential development.</li> <li>• Formal sports facilities completed with allotments.</li> </ul>

### **3.5 Proposal - Relief Road (Detailed Element)**

- 3.5.1 The scheme proposes the construction of a relief road forming the northern boundary of the built development linking 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. The Relief Road would be 7.3m wide and subject to a 50 mph speed limit. It would terminate in 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 would also be a roundabout junction at the eastern end of the relief road where it meets Broad Street Green Road. The Relief Road would intersect Maypole Road, which would 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 part of the outline element of the scheme.
- 3.5.2 The drainage ditches which run north to south and down the site will be held in culverts under the road. The relief road is intended to have a landscaped bund on its southern edge to mitigate noise impact on the Garden Village site.

### **3.6 Proposal - Electricity and Gas Substations (Detailed Element)**

- 3.6.1 The proposed sub-stations are the only other element of the scheme that has been submitted in detail. They would sit alongside the Relief Road to serve the development in the south western corner of the site.

### **3.7 Proposal - Housing (Detailed Element)**

- 3.7.1 The development would comprise of 1,138 dwellings. The indicative market housing mix would be split as follows:

<b>Bedroom numbers</b>	<b>Percentage %</b>
1	3.4
2	26.6
3	35
4	35

- 3.7.2 The level of affordable housing provided on site represents the major change from the scheme as previously reported to Members. With the amended scheme removing the



FAS, and the associated costs of the same, what is now proposed is 30% affordable housing, equating to a total of 341 units. The draft Section 106 agreement states that the 341 affordable units will have a 70% affordable rented and 30% shared ownership split.

### **3.8 Proposal - Residential Care (C2)**

- 3.8.1 The application includes a proposal for a residential care facility that could provide up to 120 bed spaces. It is indicated that this could be provided in more than one building in one of the residential areas identified on the Land Use parameter plan.

### **3.9 Proposal - Local Centre and Education**

- 3.9.1 A local centre comprising of uses falling within use classes A1 (retail), A2 (financial / professional services), A3 (food and drink), A4 (public house), A5 (public house) and D1 (health services, crèche / day nursery) would be created and is shown to be located at the south of the site. The proposals indicate a floor space of 2,250sqm in area with the potential for up to 1,000sqm to be used for a medical centre (subject to the space requirements of the healthcare providers). A pharmacy could also be included within the medical centre. The uses within the neighbourhood centre are at present shown as being flexible in floor space terms although it is anticipated that no one unit would exceed 500sqm in floor area (with the exception of the medical centre).
- 3.9.2 A primary school would be provided within the local centre, the size of which would be the subject of agreement with Essex County Council (ECC) under the terms of the Section 106 agreement. One of the 56 place early years facilities would be co-located with the primary school. The second 56 place early years and childcare facility could be located within the south western part of the development site but this would be subject to discussion at reserved matters stage and could be relocated elsewhere within the site in a position yet to be agreed.

### **3.10 Proposal - Planning Obligations**

- 3.10.1 A package of infrastructure is proposed to support the development in accordance with the Infrastructure Delivery Plan and the approved Local Development Plan (LDP). The applicant proposes to enter into a legal agreement to secure the following planning obligations:
- Early years and childcare contribution including site provision.
  - Primary school site contribution including site provision.
  - Secondary education contribution.
  - Health care contribution.
  - Formal outdoor sports facilities.
  - Youth facilities.
  - Children's play areas.
  - Open space.
  - Allotment provision.



- Future management and maintenance of Green Infrastructure including provision of a Management Company.
- Off- site highway improvements.

### **3.11 Proposal - Sustainable Urban Drainage Scheme (SUDs)**

- 3.11.1 In the case of major development, which applies in this case, SUDs should be provided unless it can be demonstrated that this is inappropriate (paragraph 79 of the National Planning Policy Guidance).
- 3.11.2 The application is accompanied with an amended FRA. The FRA seeks to demonstrate that the development proposal is deliverable and that the proposed drainage strategy does not increase flood risk within Heybridge and in some areas reduces flood risk to existing properties in Heybridge.
- 3.11.3 The site is located to the north of Heybridge where the fluvial and tidal reaches to the River Chelmer and the River Blackwater meet and the application site levels fall on a general grade from north to south. Additionally the Chelmer and Blackwater Navigation also passes through Heybridge and although this has no flow it receives water from the River Chelmer via a lock and weir system at Beeleigh to the east. Heybridge is also provided with sea defences, the current policy for these defences in the Shoreline Management Plan is “hold the line”. This means that if climate change occurs then the defences would be raised to provide the same level of protection as now. If the defences were to fail in a tidal event the site would remain dry due to the topography of the area and it is reasonable to conclude that the site would not be at risk from tidal flooding.
- 3.11.4 In addition the water level in both the Chelmer / Blackwater catchments in both a 1 in 100 and 1 in 1,000 year events are well below the levels of the site.
- 3.11.5 To inform the FRA bore holes and ground water samples were taken over three years and the results show variation across the site as well as seasonal fluctuations with ground water being shallow in the winter months dropping away in the dryer months.
- 3.11.6 Currently the development site is drained by a total of nine watercourses which flow from north to south, and which converge into the watercourses, these being Langford Ditch, Heybridge Hall ditch and Holloway Road Ditch. All of these ultimately outfall into the estuary to the south. These combined watercourses drain a significant amount of land to the north towards Wickham Bishops and Great Totham for a total of four catchment areas. These converge in Heybridge and travel beneath the Navigation in a “chunker” (an inverted syphon).
- 3.11.7 Currently existing watercourses flow through the site from north to south. These will continue to pass through the site in culverts where they intersect with the relief road and the landscaped bund. These watercourses cause localised on site surface water flooding as the watercourses are unable to discharge all the water at times of peak flows in bad weather conditions. To manage this it is proposed to increase the width and capacity of such watercourses by widening some of them, the one adjacent to Heybridge Wood being an example. Essentially they would hold and store water in peak weather conditions to control the flow of water through the site, a control which does not exist at this time as current flows are completely unregulated. Such widened

water channels would form shallow depressions in the ground which would be, for the most part, dry but in times of peak flow would collect and hold both water passing through the development and surface water draining from the development itself.

- 3.11.8 These depressions would address overland surface water flows from the north (Great Totham and Wickham Bishops) and reduce peak flows of flood water by creating the means to capture those water flows, hold the excess water, and gradually release it into the area to the south of the development. The system is designed to compensate for times of high rainfall, meaning that in extreme weather conditions the water will be held on site so times of extreme water run off should not occur. In times when rainfall is low these depressions would remain dry, enabling them to be incorporated into the landscaping proposals.
- 3.11.9 Groundwater on site is shallow and infiltration drainage techniques will not be utilised on site. However other SUDs techniques will be used and proposed as part of the reserved matters applications for each phase of the development using a combination of swales, permeable paving, ponds and detention basins, which will for the most part be retained as open space providing additional, informal walking and cycling networks through the development.
- 3.11.10 The amended development proposals have been designed to manage flooding from the existing watercourses on the site up to and including the 1 in 100 year storm event plus an allowance of 35% for climate change whilst also not increasing the flood risk to the south of the site. The development is considered to have a neutral effect on the surrounding area creating an increase in flood resilience in the development and a potential decrease in flooding off site.
- 3.11.11 The amended FRA indicates that the off-site impact of this development will be positive and not increase flooding in the wider Heybridge area up to and including the 1 in 100 year (plus 35% climate change) storm event and in some cases the flooding will be decreased.
- 3.11.12 The management, long term maintenance and stewardship of these spaces will be within the overall green infrastructure management managed in perpetuity by the Land Management Organisation as set out in the as proposed Section 106 (S106) agreement.
- 3.11.13 In terms of foul water disposal from the development site Anglian Water were consulted by the applicants and the submitted FRA reports that a development in excess of the one as here proposed is acceptable to connect to the existing sewerage network to the north east of the site in Broad Street Green Road, subject to the provision of suitable upgrades, including but not limited to three pumping stations within the site where gravity cannot be used.

### **3.12 Proposal - Green Infrastructure**

- 3.12.1 The illustrative layout and Design Parameter Plan shows a network of green infrastructure and a range of general amenity areas and formal and informal open space including allotments, play areas, playing fields and general landscaping. These will be integrated throughout the development. Heybridge Wood (whilst located outside the planning application boundary) forms an integral part of the Green

Infrastructure network and would be subject to a maintenance and management package to protect its biodiversity.

### **3.13 Conclusion**

- 3.13.1 The application site is allocated as site S2(d) in the Approved LDP for the development of 1,138 dwellings. The site is one of three strategic allocations that make up the North Heybridge Garden Suburb, with the other sites having permission and with works commenced on site by Bellway in Land to the North of Holloway Road, and Persimmon in Land in Broad Street Green. The principle of development is therefore established in the Approved LDP, the North Heybridge Strategic Masterplan Framework and the site has been acknowledged by the Council as being a sustainable location for growth. The site is a key part of the Council's strategy to achieve a deliverable five year housing land supply.
- 3.13.2 A resolution to grant outline planning permission for this development was made by the Council in December 2016 with a FAS that is no longer included as part of the proposal. The new way of dealing with flood water will replace the FAS with a SUDS scheme. The impact of the SUDs scheme has been the subject of consultation with the Lead Local Flood Authority (LLFA) SUDs Team at ECC and the Environment Agency. In consultation the LLFA has explained the methodology used in assessing the impact of the development. In raising no objection this is qualified in that each reserved matter application for the detailed layout design and scale of the land parcels will have to include details of suitable surface water management to the satisfaction of the Council, in consultation with the LLFA.
- 3.13.3 The proposed scheme creates benefits for the wider community by providing a new Relief Road, a new local centre, primary school, early year's facilities, formal and informal open recreational facilities. The level of affordable housing provided in context of the wider infrastructure package has, with the loss of the FAS, been increased to 30%, which is compliant with LDP policies and will provide substantial affordable housing into the District.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- Section 2 - Achieving sustainable development
- Section 4 – Decision Making
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting Healthy Communities
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places

- Section 14- Meeting the challenge of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the natural environment
- Section 16 - Conserving and Enhancing the historic environment
- Annex 1 - Implementation

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

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S3 – Place Shaping.
- S4 – Maldon and Heybridge Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design and Quality and Built Environment.
- D2 – Climate Change and Environmental Impact of New Development.
- D3 – Conservation and Heritage Assets.
- D4 - Renewable Energy and Low Carbon Energy Generation.
- D5 - Flood Risk and Coastal Management
- E2 – Retail Provision
- E3 – Community Services and Facilities
- E6 – Skills, Training and Education
- H1 – Affordable Housing.
- H2 - Housing Mix.
- H3- Accommodation for ‘Specialist’ needs
- H4 – Effective Use of Land.
- N1 - Green Infrastructure Network.
- N2 - Natural Environment and Biodiversity.
- N3 – Open Space, Sport and Leisure.
- T1 – Sustainable Transport.
- T2 – Accessibility.
- I1 – Infrastructure and Services.
- I2 – Health and Wellbeing

#### 4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014)
- The Infrastructure Delivery Plan (IDP) and Infrastructure Phasing Plan (IPP) forms part of the evidence base of the Maldon District LDP. It sets out the key infrastructure required to support growth and details of phasing, costs and existing and potential funding sources.

#### 5. PRINCIPLE OF DEVELOPMENT

- 5.1 The site is allocated as a Strategic Site in the Council's Approved Maldon District Local Development Plan. The Approved Maldon LDP Policy S2 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. This comprises three sites: S2d North of Heybridge (1,138 dwellings), S2e and S2f. Accordingly the development of this land is acceptable in principle.
- 5.2 In this context it is relevant to note that paragraph 14 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.
- 5.3 Policy S3 sets out the key development principles new development in the Garden Suburbs and strategic allocations should follow. It states that *'a masterplan for each of the Garden Suburbs at Maldon and Heybridge will be prepared and developed in partnership between the Council, relevant stakeholders, infrastructure providers and developers/landowners for illustrative purposes and as a guide for developers'*.
- 5.4 The North Heybridge Garden Suburb Strategic Masterplan Framework [the "Master Plan"] was endorsed by the Council in October 2014. It has not been adopted, but remains a material consideration in any planning application, although its weight is adjusted accordingly. The Master Plan provides guidance on a strategic framework for the development of the wider North Heybridge Garden Suburb. Paragraph 1.5.1 of the Master Plan states that the *'strategic masterplan framework aims to:*
- Expand on the key development principles set out in Policy S3 and S4 to facilitate a co-ordinated approach to delivering the proposed level of growth in a garden suburb context;
  - Provide guidance to inform detailed masterplans/layouts at the planning application stage;
  - Provide guidance on how the policies may be implemented.'

- 5.5 Policy S4 states that *‘Development proposals within...the...North Heybridge Garden Suburb should have regard to the Master Plan endorsed by the Council’*. There is no absolute requirement for compliance with the Master Plan. At the second LDP Examination the Inspector raised concerns that the Council had, in the earlier draft of the LDP, given Development Plan Document status to documents which had not been subject to the same consultation and examination process as the LDP. The Post Examination Modifications clarified the Council’s and Inspector’s position in this regard and that the Master Plan is guidance (or Supplementary Planning Document if it was adopted) and a document that applicants *‘should have regard to’*.
- 5.6 The applicant therefore has to show that the application is compliant with the LDP, and that they have had regard to the Master Plan. If the proposal is not in accordance with the Masterplan, the LDP as the approved development plan for the District will take precedent. If the LDP is silent, the NPPF would take precedent.
- 5.7 Policy S4 states that the level of development should reflect that identified in Policy S2. The Master Plan is based on a total of 1,235 dwellings, although that figure has been superseded by LDP Policy S2 which proposes a minimum of 1,383 dwellings across S2 (d) (1,138 dwellings), S2 (f) (100 dwellings) and S2 (g) (145 dwellings). The proposal for 1,138 dwellings is compliant with the content of the LDP.
- 5.8 Policy I1 sets out the Council’s approach to securing infrastructure and services to meet the needs of new development. Policy S4 states that *‘identified infrastructure will be delivered in line with the requirements set out in Policy I1 and having regard to the most recent evidence provided in the Infrastructure Delivery Plan’*. The Council’s Infrastructure Delivery Plan reflects a point in time (in this case 2014), and identifies strategic infrastructure projects that are required to support the level of growth proposed in the LDP. The infrastructure projects are set out in Table 1 of the LDP. Table 1 identifies the source of funding to deliver the projects. Infrastructure and planning obligation requirements are discussed at various points throughout this report and then summarised at paragraph 31.4 below.

## **6. HOUSING AND RESIDENTIAL USES**

- 6.1 The delivery of housing developments in line with the approved LDP is an important objective of the Council and is also a key component of the NPPF which states that *“Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies”*.

- 6.2 Paragraph 74 of the NPPF states:

*‘A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.’*

- 6.3 As a result of the publication of the revised NPPF, the approved Maldon District LDP was able to be deemed out of date on the 31 October 2018. From that date, the Council must be able to demonstrate a five year supply of deliverable housing sites with a 20% buffer in order for weight to be applied to the policies of the development plan.
- 6.4 Where a Five Year Housing Land Supply (5YHLS) cannot be demonstrated, the housing supply policies of the LDP would be deemed to be out-of-date and sub-paragraph d) of paragraph 11 of the NPPF can be applied. In summary this states that applications should be approved unless the NPPF provides a clear reason for such a development to be refused or the benefits of development are significantly and demonstrably outweighed by the harm of development. In this scenario, diminished regard should be had to the policies of the development plan.
- 6.5 This development is the largest single contributor to meeting the objectively assessed needs of the District as set out in Policy S2. It accounts for 22.3% of the total in Policy S2. The trajectory is for 126 units per annum from 2020 / 21 as set out in the Design and Access Statement. Therefore, three years' worth of development is included in the 5YHLS assessment for 2017 / 18.
- 6.6 The 2017 / 18 5YHLS statement concludes that there is 5.54 years' worth of housing. This takes account of a 20% buffer due to under delivery over the previous three-years. If this scheme is approved, then the 5YHLS is not at risk (all other matters being equal).
- 6.7 If however, the development is delayed by two years it is unlikely that, the Council will be able to meet its 5YHLS target, achieving only 4.94 years
- 6.8 If no development takes place it will reduce the 5YHLS to 4.70 years although in future five year cycles this position will deteriorate further, unless the Council allocates an equivalent amount of development elsewhere. Such an allocation would require a review of the LDP.
- 6.9 Therefore, there is an increased risk of the LDP being considered out of date if the strategic sites are unable to contribute towards the five year supply of housing land through either delay or not securing planning permission. This could make it difficult to resist speculative development that falls outside that provided for by the LDP.

## **6.10 Housing Density**

- 6.10.1 Housing density is not set within the LDP but the SMF identifies a density of 33 dwellings per hectare as being appropriate for this Garden Suburb development. This density target was set to 'reflect the sustainable development principles of garden suburbs'. Over the whole site this figure is met, whilst it is correct that within some land parcels density will be higher than in others never the less on average a density will be met. The difference in character areas is also supported within the SMF and the submitted parameter plans which will create different areas of development throughout the site.



## 6.11 Open-Market Housing Mix

- 6.11.1 The Master Plan promotes a mix of housing types and tenures. Policy H2 requires all development to provide a suitable mix and range of market and affordable housing in terms of size, type and tenure to meet local needs and demand. Furthermore, the paragraph 61 of the NPPF states that *“the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.”*
- 6.11.2 Although the application is mostly for outline planning permission and therefore the level of detail provided is minimal, the outline application is the appropriate time to ensure the delivery of an appropriate mix of housing, imposing a condition if necessary to ensure that the development is in accordance with policy requirements or expectations.
- 6.11.3 The applicant has provided an indication of the mix of dwellings to be provided and this is included in this report at 3.2.23 and shows the provision of 70% larger dwellings and 30% smaller dwellings. This conflicts with the preference set out within the Council’s Strategic Housing Market Assessment which seeks 60% of dwellings to be smaller dwellings.
- 6.11.4 Discussions have occurred with the applicant and it has been highlighted that the housing mix is consistent with that which was proposed previously at this site and what has been found acceptable at the South Maldon Garden Suburb. It has also been suggested that the requirement to comply with the Strategic Housing Market Assessment (SHMA) is not set out within policy and that the content of the SHMA is substantially out of date. The case has therefore been made that the mix of housing should be found acceptable. However, it is considered that above factors are not grounds to deviate from the Council’s preferred housing mix and especially not to the level that is proposed.
- 6.11.5 The South Maldon Garden Suburb was first approved in 2014 when the policy landscape within the Maldon District was materially different and the ability to deliver a five year housing land supply was not the same. It is noted that the 2014 decision at that site was made in full awareness of and with full regard to policy H2 which was emerging at that time, but it is considered that the policy of the development plan should now be afforded full weight and greater weight should be had to its content, particularly as it is consistent with the content of the NPPF.
- 6.11.6 The applicant makes the case that the preference to comply with the SHMA is not a policy requirement and that the reference to the SHMA is within the supporting text of policy H2 and not the policy itself and as such the weight afforded to this requirement is less than if it was given full policy support. However, policy H2 states that *“All developments will be expected to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand”* and similar guidance is contained at paragraph 61 of the NPPF. Therefore, in the absence of any other documentation that justifies that an alternative housing mix meets these policy requirements, it is considered that there is no better evidence base to utilise in this case. The context for policy H2 states that *“To create a better balanced stock to address the impact of the ageing population and the needs of young people entering the market, the Council will need to deliver a higher proportion of*

*smaller (1 or 2 bedroom) units over the life of the Plan.”* The proposed development does not do this and even if weight is given to the applicant’s argument that full SHMA compliance is not a requirement of the policy, it is considered that the development does not help to deliver a higher proportion of smaller units as only 30% of the units would be smaller, thereby compounding the existing unbalance of the housing stock. There is no evidence available to suggest that the proposed housing mix would meet any established need or demand.

6.11.7 This assessment is consistent with a recent decision of the Council in respect of a reserved matters application at Manor Farm, North Farnbridge where the reason for condition 28 of the outline permission (OUT/MAL/14/01018) set out that the development should accord as closely as possible with the recommendation of the SHMA or any amended or updated version of that document. The subsequent application did not comply with this requirement and therefore the application was refused.

6.11.8 Furthermore, it is considered that the assessment is consistent with the refusal of application OUT/MAL/16/01495 at Land Opposite 18 Handleys Lane, Wickham Bishops. Whilst the scheme was on a wholly different scale, being for just 5 dwellings, it is considered relevant to note that the Inspector set out the following:

*“17. Policy H2 of the LDP states that all development will be expected to provide a suitable mix and range of housing in terms of size, type and tenure. The supporting text to Policy H2 provides some context to this requirement and explains that the relevant Strategic Housing Market Assessment (SHMA) identified a good supply of larger 3+ bedroom homes in the district but there is a need to better balance the housing stock with a higher proportion of smaller homes (1 and 2 bedrooms) to better cater for an ageing population and younger people entering the market.*

*18. I have seen nothing of substance to suggest these findings are out of date at a district wide or local level. From what I observed in the village, recent developments, such as that at Chantry Grove, appear to have continued the trend for larger homes. If this was to continue over time then certain sectors of the market would find it increasingly difficult to find the homes they need. I afford little weight to the appellant’s suggestion that there is a need for larger homes as this is unsupported by robust evidence that counters the findings of the SHMA.*

*19. The appeal scheme would encompass five very large five bedroom homes. This mix would be entirely at odds with the findings of the SHMA and the aims of Policy H2. I have seen nothing of substance to suggest the provision of some smaller homes would be unviable. The expectations of Policy H2 could be accommodated within the envelope of the built form proposed, by, for example, splitting one of the larger homes into a semi or including small homes in lieu of garages. Thus smaller homes need not harm the character of the area or one of the scheme’s design concepts of integrating the proposed dwellings with the scale and massing of the larger homes nearby.*

*20. I therefore conclude that the appeal scheme would not provide an adequate mix of housing and this would conflict with, and harmfully frustrate, the aims of Policy H2. This leads me to question whether the appeal scheme would be an effective use of land. Policy H2, and any conflict with it, is afforded significant weight given the consistency with Paragraph 61 of the Framework.”*

6.11.9 The abovementioned appeal was determined on 17 August 2018 and whilst more time has passed, it remains the case that the SHMA is the most applicable evidence available and as such comments made by the applicant that the preferred housing mix is out-of-date are noted, but not considered to be based on robust evidence. Taking a similar stance as the Inspector in the above case, it is considered appropriate to afford most weight to the content of the SHMA when determining whether the proposed housing mix accords with the requirement of policy H2.

6.11.10 In this case, as the residential element of the proposed development is proposed as part of the outline application, it is considered that the unacceptable housing mix should not be fatal for the application. Planning Practice Guidance states that “*Conditions should help to deliver development plan policy and accord with the requirements of the National Planning Policy Framework*” and “*conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission.*” Therefore, in this case it is considered appropriate to impose a condition that requires the housing mix to meet the requirements of the District.

## **6.12 Affordable Housing**

6.12.1 Policy H1 identifies that the application site will be required to provide for 30% affordable housing. The application is policy compliant in this regard. The Planning Statement states that the site will provide a variety of tenures, affordable housing will be throughout the garden suburb in clusters and that the affordable housing mix will respond to the local authority requirements. This is noted and the precise details of the tenure and size of such will be controlled within the S106 agreement.

6.12.2 In providing policy compliant affordable housing the applicants are not required to provide a viability statement and there is no reason for viability to be discussed further.

## **6.13 Care Home**

6.13.1 The application will include care home (Use Class C2) development of 120 beds, either in one building or two.

6.13.2 Policy H3 states “The Council will support and enable the provision of housing to meet specialised needs in the District where this is consistent with the Council’s current strategic requirements”. It goes on to state the following:

*“Proposals for specialist needs housing such as homes for older people, people with disabilities, or homes for other specific groups who may require properties that are specifically designed and / or allocated will be supported where:*

- 1) There is a clearly identified need that cannot be addressed elsewhere in the District;*
- 2) The development is located in an area that is sustainable to meet the social as well as housing needs of the intended residents;*
- 3) It will not lead to a concentration of similar uses that would be detrimental to the character and function of an area and/or residential amenity;*

- 4) *It will not detrimentally impact on the capacity of public services, including health and social care;*
- 5) *It is in close proximity to everyday services, preferably connected by safe and suitable walking / cycling routes or public transport appropriate for the intended occupier;*
- 6) *It can be demonstrated that the development is designed and managed to provide the most appropriate types and levels of support to its target resident;*
- 7) *It can be demonstrated that revenue funding can be secured to maintain the long term viability of the scheme; and*
- 8) *The scheme is supported by the relevant statutory agencies.”*

6.13.3 Furthermore, the North Heybridge Garden Suburb Master Plan sets out a need for ‘a range of dwellings to address local needs including affordable housing and housing for older people’.

6.13.4 Consultations have been carried out with both the National Health Service (NHS) and the Clinical Commissioning Group (CCG) to ensure that the impact of this is acceptable on available health facilities in the area. From this basis the principle of the development including a care element is considered to be acceptable.

6.13.5 Detailed aspects will be a matter for the reserved matters application and at that stage it will be necessary to ensure that this element of the scheme will be compliant with policy H3 and address the requirements of the Council’s adopted Specialist Needs Housing Supplementary Planning Document (SPD).

6.13.6 The location of the Care Home is not shown on the submitted application plans and will have to be integrated into the wider development as and when reserved matter applications come forward.

## 7. **EDUCATION**

7.1 Section 5.9 of the Master Plan proposes that a one form entry primary school and early years facilities be located adjacent to the local centre and be well connected by footpaths and cycle routes. The application provides land for this within the local centre within walking distance of the majority of new residents and on the potential new bus route.

7.2 The Master Plan seeks to co-locate one of the early years facilities with the primary school and the other either at the local centre, or closer to the initial phases of the development, to facilitate early delivery. The application reflects this with the second facility being located either at the western edge of the main part of the site or at the north east corner of the site, close to Broad Street Green Road.

7.3 Paragraph 2.32 of the Policy justification for Policy S2 recognises that significant infrastructure improvements are required to accommodate the level of growth identified by the LDP. This includes ‘*the expansion of the Plume Academy in Maldon to accommodate the future projected needs of the Maldon and Heybridge areas*’.

- 7.4 The reconfiguration, expansion and enhancement of the Plume Academy relies on development coming forward in a timely manner and developer contributions being secured from that development as is proposed by way of S106 Agreement. As the largest strategic allocation, the expansion of Plume School is reliant on Site S2d taking place. If development does not take place it could jeopardize and seriously prejudice the expansion of the school meaning that there will not be enough capacity for future generations or for additional housing in the District. This would have a significant and detrimentally adverse impact upon the Council's 5YHLS.
- 7.5 LDP policies S4 (Maldon and Heybridge Strategic Growth), E3 (Community Services and Facilities), E6 (Skills, Training and Education) and I1 (Infrastructure and Services). Replacement Local Plan (RLP) policy PU1 (Provision of Education Facilities) and NPPF Section 8 are all applicable.
- 7.6 Specifically LDP policies S4 (Maldon and Heybridge Strategic Growth) and I1 (Infrastructure and Services) derive from the Infrastructure Delivery Plan (IDP) and requires the following infrastructure for the North Heybridge Garden Suburb:
- A new one form entry primary school;
  - Two 56 place early year and childcare facilities;
  - Contributions towards the sufficient expansion of the Plume School;
  - Provision for youth and children's facilities.
- 7.7 ECC Education has advised throughout the LDP process on the education needs for the District and on the preparation of the SMF.
- 7.8 ECC will be a party to any forthcoming S106 agreement with respect to an education contribution and it is noted that the S106 has been drafted to enable the education contributions to be paid in phases, reflecting the number of dwellings that would be built under the terms of each phase. Upon knowing the number and size of dwellings built prior to each 'payment trigger' it will be possible to calculate the number of pupils that will be likely to arise from the development and calculate the contribution that will be required.
- 7.9 In terms of secondary education, the IDP identifies the need for contributions towards the expansion of the Plume School (Upper School / Sixth Form and Lower School) and the school is willing to expand to accommodate the growth allocated in the LDP. ECC Education has stated that this is likely to be a 'one off and final expansion'.
- 7.10 ECC Education has not objected to the application subject to the above points being addressed and the IDP contributions being secured through the planning obligations.

## **8. LOCAL CENTRE**

- 8.1 The North Heybridge Garden Suburb SMF identifies that the development will include a local centre that should be closely located to the existing community and include a mix commercial and community facilities. Furthermore, policy S4 states *"that Community hubs and local centres of appropriate form and scale are [to be] integrated into the design and layout of development proposals.* The Land Use

Parameter Plan shows the location of the local centre at the southern section of the site, close to the existing settlement of Heybridge.

- 8.2 The SMF requires the local centre to be designed to complement existing facilities and cater for the day to day needs of new and existing residents in order to reduce car travel. The proposed local centre will be located adjacent to the new primary school and early years and childcare facility as shown in the SMF.
- 8.3 The SMF objectives are to create a compact and vibrant centre well integrated with the wider garden suburb and wider area through a network of pedestrian and cycle routes. The design of the public realm is critical to the success of this area; with proposals for a shared-surface approach to ensure that a place is created that can be used for multiple purposes, from car parking during the week to community-led events at other times. The SMF identifies that a number of uses could be accompanied in this location with shops and associated uses falling within the A class uses.
- 8.4 The application accords with the principles set out in the SMF and would allow for a range of uses falling within Use Classes A1 - A5 and D1. These uses would include retail, financial and professional services, restaurants / cafes, drinking establishments, hot food takeaways and non-residential institutions such as a medical centre. These uses shall be the subject of planning conditions where necessary. The proposed uses are therefore considered to be acceptable at this site and no objection should be raised to the application on this ground.
- 8.5 The local centre would be likely to comprise of a variety of uses, almost all of which would be deemed to represent 'town centre uses' as defined by the NPPF. Paragraph 86 of the NPPF states that "Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan". Due to the reference to local centres being provided within the strategic sites that is contained within policy S4, as set out at 8.1 above, it is considered that there is no requirement to undertake a sequential test as this element of the proposal is in accordance with an up-to-date development plan. This is supported by retail policy E2 which states that "To a limited extent, there is the potential to locate new retail space, in the form of Local Centres, to support that garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2".
- 8.6 Paragraph 89 of the NPPF states that "When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold". Policy E2 contains a "Local Impact Threshold" of 1,500 square metres in Maldon and Heybridge, however, as the development is deemed to be in accordance with an up-to-date development plan, it is considered that there is no requirement to undertake an impact assessment.

## **9. HEALTH**

- 9.1 LDP policy S4 requires adequate provision to be made for enhanced medical provision in co-operation with the relevant health bodies.
- 9.2 The Mid-Essex Strategic Estates Plan prepared by Mid Essex CCG acknowledges that the two GPs in Maldon and Heybridge (Longfield Medical Centre and Blackwater Medical Centre) will not be able to cope with the additional capacity pressures generated from population growth, an ageing population and in particular the additional anticipated housing in Maldon and Heybridge unless additional facilities are provided. It recognises that a new healthcare facility is required in Heybridge and a new facility in the North Heybridge Garden Suburb is supported by the GP practices, the NHS, CCG and Maldon District Council to meet these requirements.
- 9.3 The consultation response from the NHS advises that a developer contribution is required to mitigate the increased healthcare needs arising from the development. The NHS applies a 'Capital Cost Calculation' for the provision of additional healthcare services and this is based on the existing size of the two surgeries in terms of the net internal floor area in square metres, their capacity and the predicted population growth which then identifies the additional floorspace increase requirements to meet this growth.
- 9.4 A contribution to healthcare provision will be secured through the S106 agreement and in addition, the developer has proposed to reserve land within the Local Centre for the development of a healthcare facility of up to 1,000sqm. The NHS and CCG are currently working with the existing GP Practices and the Council to identify floorspace requirements and to develop a business case for the new healthcare facility. This matter will therefore be adequately addressed and no objection should be raised to the application on this ground.

## **10. OTHER USES**

- 10.1 Utility infrastructure is a necessary requirement of a development of the scale currently proposed. There are no material implications associated with the proposed siting of this utility infrastructure and no objections are raised on this basis.

## **11. FLOOD RISK AND SUSTAINABLE URBAN DRAINAGE**

- 11.1 LDP Policy D5 (Flood Risk and Coastal Management) provides local drainage considerations and encourages the use of SuDS and flood response plans and policy D2 (Climate Change and Environmental Impact of New Development) seeks to minimise pollution prevention.
- 11.2 In terms of flood risk management Policy S4 identifies the broad development principles that the application should address. This includes that:

*'Flood risk management and surface water mitigation measures will have regard to the Maldon and Heybridge Surface Water Management Plan. Such measures must be planned in conjunction with relevant stakeholders including the Environment Agency*



*and Essex County Council, and must be integral to the development proposals for the Strategic Growth areas as a whole.'*

- 11.3 Policy S4 does not suggest a strategic FAS as providing the solution, nor is the statement specific to North Heybridge. The only reference to strategic flood alleviation measures comes in the penultimate bullet point to Policy S4 in reference to the measures '*may be permitted outside of the masterplan area where appropriate and required*'. The requirement for the development is to ensure that the mitigation proposed has regard to the Surface Water Management Plan and guidance from statutory consultees.
- 11.4 Similarly, Policy S2 is silent on the flood alleviation requirements. However paragraph 2.28 in the Policy Clarification does include 'surface water flooding alleviation' as one of the many infrastructure requirements from strategic development sites (not specific to the North Heybridge Garden Suburb). It does not define what is meant by 'surface water flooding alleviation.' The same paragraph does however state that 'without this infrastructure, the delivery of sustainable communities will not be possible' and therefore it is clear that an appropriate surface water alleviation scheme should be integrated into the delivery of the development.
- 11.5 Paragraph 2.59 in the Policy Clarification to Policy S4 adds that: '*...strategic developments to the north of Heybridge should not prejudice and should be integrated with a strategic flood alleviation scheme which will address the existing surface water flooding in North Heybridge*'.
- 11.6 There are two requirements in this statement: firstly that the developments should not 'prejudice' a strategic FAS; and secondly, that the developments should be 'integrated' with a strategic FAS. What this does not state is that the strategic developments should provide and include a strategic FAS nor does it define the scheme – hence the use of the word 'a' as opposed to 'the'. Therefore, the test is whether the proposed development prejudices flood alleviation measures and can be integrated into such measures should they be provided separately.
- 11.7 The previously designed flood alleviation measures are no longer viable. They came at the expense of affordable housing and with no guarantees that a third party would take on and sustain the long term management and maintenance. This is contrary to the NPPF which seeks to ensure resilience in flood mitigation measures (paragraph 163). The NPPF also sets out the criteria that need to be demonstrated to allow development in areas at risk of flooding – within the site, the most vulnerable development should be located in areas of the lowest flood risk; that the development is flood resistant and resilient and incorporates sustainable drainage systems; any residual risk is safely managed; and there are safe escape routes.
- 11.8 It is clear therefore, that dealing with sites at risk of flooding can be managed by the development itself.
- 11.9 The Master Plan includes a section on flood alleviation. Paragraph 5.1.1 states: 'The delivery of a strategic flood alleviation scheme in connection with the new Garden Suburb is a key requirement of Policies S2 and S4 in the Local Development Plan'. However, that scheme is now unviable and undeliverable, and the Master Plan was

endorsed in October 2014 prior to the adoption of the LDP in July 2017. In this regard the content of the approved LDP takes precedence.

- 11.10 The exclusion of a specific strategic alleviation scheme in the LDP following Examination is a significant change which would be grounds to review the Master Plan. However, such a review has not taken place, nor needs to. The planning application as originally submitted was based on the Master Plan, and any review of the Master Plan now, would reach similar conclusions that the applicant has come to in their amended planning application. Such a review would require a new evidence base including an independent assessment of flood mitigation options (the Council cannot rely on the applicant's submission as this is not independent) and will take time to complete. A significant delay would put at risk the Council's five year housing land supply as set out above.
- 11.11 The application now includes an enhanced on-site SuDS, which incorporates existing watercourses from the north of the site. The revised SUDs and drainage scheme is expected to have the capacity and management systems in place to not increase the likelihood of flooding off site, but also not prejudice and be integrated with further off-site mitigation and alleviation measures. Such measures could include surcharge systems that divert flows from the watercourses to the north to the Chelmer and Blackwater systems and measures south of the site to improve drainage flows. Such measures will be supplementary to the on-site SUDs and drainage. Therefore, this aspect of LDP paragraph 2.59 is fulfilled. This aspect of the proposal is also compliant with the NPPF. It is noted that the surface water management drainage proposals have been prepared in full association and compatibility with modelling work that has been undertaken by Royal Haskoning DHV who have assessed the existing flooding situation within Heybridge on behalf of MDC, ECC and the Environment Agency.
- 11.12 The ECC SuDS Team as the LLFA have been consulted on the technical aspect of the amended application as to the ability of the as planned for SUDs scheme to deal with water on site and assess the impact of drainage off site from the development. The methodology adopted in assessing an application such as this takes into account all information including non-statutory technical standards for sustainable drainage systems; Essex County Council's adopted Sustainable Drainage Systems Design Guide; the Construction Industry Research and Information Association (CIRIA) SUDs manual; and BS8582 Code of Practice For Surface water management for development sites.
- 11.13 Given that this planning application is in outline detailed development layouts have not, at this time, been fixed. The application shows indicative parcels of land with associated proposed storm water run-off holding drainage features and associated preliminary calculations as is the case with all outline planning applications. A number of checks were applied in the review of the as submitted SUDs drainage aspects by the LLFA which include assessment of the following:
- site levels and topography;
  - the hierarchy of discharge from the site including attenuation facilities such as swales, filter strips, basins and swales, permeable pavements;
  - reviews of existing watercourse surveys and data on existing public sewers to ensure that an outfall is present which in principle could serve the site;

- evidence presented within the application was reviewed to confirm that a solution for limiting discharge rates was available on site and that flows could be retained to respective greenfield rates.
- 11.14 From this it was confirmed that they do not require a developer to submit a detailed drainage design at the outline stage of the planning application process as the detailed design and layout of buildings and other uses are not known. However the methodology used includes water re-use facilities such as water butts, permeable pavements, swales and basins all with the capacity to infiltrate flows directly to the ground should the local geology allow and ECC as the LLFA would expect the exact opportunities to come forward in the detailed SUDs drainage with the detailed layouts for the land parcels.
- 11.15 The drainage design will vary depending on a number of other elements within the site design, which will usually not be fixed at the outline stage as is common with all outline planning applications. The LLFA has confirmed that it is appropriate for detailed elements of the drainage design to be addressed through planning conditions as the detailed layouts of the development progresses through reserved matters. This ensures that the Council has the opportunity to consider the detail of and approve an appropriate surface water drainage scheme to support the development of the site. Detailed management and maintenance arrangements for SuDS features within the development site will be required as part of a surface water management scheme, which will be subject to approval by the Council in consultation with the LLFA. Moreover, the S106 will secure the overall management of the green and blue infrastructure by through the appointment of a Land Management Organisation which will take over the maintenance of the green and blue areas of open space.
- 11.16 In addition to the above, it is noted that no objection has been raised to the proposal by the Environment Agency.
- 11.17 Overall, it is considered that the development as proposed will not exacerbate the flood risk on or off the site and that appropriate mitigation measures can be put in place and secured through appropriate conditions.

## **12. FOUL DRAINAGE AND WATER SUPPLY**

- 12.1 The FRA details foul drainage options based on a scheme of up to 1,500 dwellings. The existing foul disposal network does not have sufficient capacity currently to meet that level of increased demand but an upgrade of the sewer would ensure that the network will be able to accommodate the additional flows resulting from the Garden Suburb. Pumping stations will be required to serve the various phases of development for those areas that cannot reach the outfall point on Broad Street Green Road by gravity. A condition can be imposed to require the foul drainage to be provided in accordance with the submitted details and to require a foul water disposal connection to be provided for each dwelling.

### **13. ACCESS, TRANSPORT AND ACCESSIBILITY.**

- 13.1 The detailed planning permission includes details and the design principles for the abovementioned relief road. This includes the construction of roundabouts at either end of the new link, and the construction of the principle access points to the development area.
- 13.2 The Transport Assessment (TA) submitted with the application carries out detailed analysis of the impacts of the development on the area and considered the cumulative traffic impacts of other planned development in and around Maldon and Heybridge. The TA considered the impacts of a development of up to 1,140 dwellings and includes the proposal for a relief road as part of this development.
- 13.3 The TA identifies that the development would have highway impacts that would require mitigation. Two of the junctions that require mitigation are already subject of improvement works following Local Enterprise Partnership grant funding at the A414 / Spital Road roundabout and Wycke Hill / Limebrook Way roundabout which are currently being carried out on behalf of Essex County Council. Three other junctions are identified as requiring improvements both adjacent to the site and further afield:
- Langford Road B1018 / Heybridge Approach / A414 junction;
  - B1018 / Heybridge Approach / A414 roundabout;
  - A414 Oaks Corner junction.
- 13.4 The IDP requires pooled contributions to be made towards improvement works at these junctions via S106 contributions from this site and other sites in the North Heybridge Garden Suburb. It was intended that the proposed Relief Road would also be funded in this manner and would be constructed by the developer of this site. Following discussions with ECC Highways and the developers of these sites and as agreed by the Council, it is proposed that a more flexible approach will be adopted to the use of S106 highways contributions. This will enable the developers of this site to construct the relief road as an integrated part of the development without reliance on pooled S106 contributions.
- 13.5 The Relief Road is an identified mitigation measure and as a consequence a necessary infrastructure requirement of the North Heybridge Garden Suburb and is identified in the SMF and the Council's Infrastructure Delivery Plan.
- 13.6 The Relief Road would provide a direct link to the network of roads bypassing the centres of Maldon and Heybridge, the primary function of which is to alleviate traffic flows within these built up areas and improve linkages to the north of the District and the A12. As set out above the Relief Road would link to the existing road network via new roundabout junctions onto Langford Road and Broad Street Green Road. Maypole Road would be intersected and a staggered junction created with right hand turning lanes and filter lanes off the Relief Road. This would have the effect of discouraging traffic from 'cutting across' the Relief Road to continue up Maypole Road and encouraging traffic to use the Relief Road to continue northwards via Broad Street Green Road. The Highway Authority has assessed the proposed development and has concluded that the proposals are acceptable. The proposed access points are

in accordance with the SMF which has been developed in consultation with ECC Highways and a road safety audit has been undertaken.

- 13.7 The provision and integration of a comprehensively planned movement hierarchy is an essential element of the garden suburb principles. This includes the retention of existing rights of way into the site; a safe network of pedestrian and cycle routes; opportunities to create new links to existing communities; the use of south Maypole Road as a sustainable transport link; a direct bus service through the site; and hierarchy of streets designed to avoid rat runs. These principles have been incorporated into the planning application.
- 13.8 The submitted Transport Assessment contains details of a comprehensive public transport strategy to assist in mitigating the impacts of the development of the Garden Suburb. In terms of bus connections measures include:
- new or amended bus connections to the Plume School; St. Peters Hospital; Maldon Town Centre, Asda Supermarket; local primary schools;
  - connection to Chelmsford Station, Hatfield Peverel and the new North East Chelmsford Station;
  - a service to Colchester;
  - a service to Witham.
- 13.9 The Strategy would also include free bus travel of up to 4 no. tickets per household valid for a period of one year. The free bus tickets would form part of a wider travel pack for residents the purpose of which would be to encourage travel by means other than the car and would include elements such as a location map, specific local public transport information, useful web site addresses for journey planning, information on car sharing and home delivery shopping services as well as local cycle and walking routes. In connection with this there would be a Community Travel Web Site that would give residents access to real time travel information and local maps. Cycle proposals would also be included and would incorporate elements such as an on-site travel cycle training scheme, cycle storage and cycle maps. Finally a Travel Plan would be provided that would act a focal point to co-ordinate a number of the measures and provide a central access to the various facilities identified within the Public Transport Strategy.

#### **14. DESIGN AND IMPACT ON THE CHARACTER OF THE AREA**

- 14.1 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.
- 14.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of*

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

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

- 14.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - Layout, orientation, and density;
  - Historic environment particularly in relation to designated and non-designated heritage assets;
  - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - Energy and resource efficiency
- 14.4 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide (MDDG) which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.
- 14.5 It should be noted that the Master Plan has not been adopted, but was endorsed by the Council in October 2014 as a material consideration for any planning application. Accordingly it does have some weight, albeit less than an Adopted Plan. The Master Plan is not policy. Therefore, regard should be had to it in the preparation of planning applications, and any variation demonstrated. The test is whether the applicant has had regard and how they have demonstrated whether variation from the Master Plan causes significant harm so that the application does not meet the objectives of the LDP policy.
- 14.6 The Master Plan sets out the land use of the application site as:
- Local Centre;
  - Education – primary and early years;
  - Health;
  - Housing.

- 14.7 As the FAS was a proposal in the Master Plan (and reflective of the preferred option agreed with the Environment Agency), other elements of the Master Plan have been influenced by the FAS. Therefore it is expected that elements of the strategic design in the revised application will differ to that in the Master Plan. However, the application should reflect the design principles in Policy S3 including the use of local design characteristics and gateways into the development, which are also highlighted by the Master Plan.
- 14.8 The North Heybridge Garden Suburb design codes were endorsed by the Council in February 2017. These have not been adopted, but remain a material consideration in any planning application, although their weight has to be adjusted accordingly. The amendments to the scheme introduce new elements which are presently not within the Design Codes but it is considered that they can still be given weight in line with paragraph 126 of the NPPF. It will be possible to prepare amended design codes prior to the submission of reserved matters applications to inform and lead the proposed development.
- 14.9 This planning application is in outline therefore matters of detail related to the layout, scale and appearance of the development are not included specifically within this application. As the site was identified as a major area of growth The North Heybridge Garden Suburb Strategic Masterplan Framework (the Masterplan) was prepared in collaboration with developers, land promoter / agent and key infrastructure providers as a requirement of Strategic Policy S3 LDP Place Shaping. Policy S3 sets out a number of principles that should be incorporated into the development of the North Heybridge Garden Suburb through a Masterplan. The Masterplan was endorsed by Council in 2014.
- 14.10 The SMF, which has been endorsed by the Council, is based on Garden Suburb principles and provides the structure for a mix of housing types and tenures and a place of variety and character where housing is integrated in a distinctive landscape character with access to necessary services and facilities. It sets out a framework for how the key garden suburb principles are to be addressed in terms of layout, character, access and movement, green infrastructure, housing mix, community aspects and quality of development. It is therefore important that the North Heybridge Garden Suburb is designed to reflect the principles as set out in the SMF.
- 14.11 In terms of layout, scale, design of buildings and materials, this outline application includes a detailed DAS which sets out how the layout and design principles set out in the SMF will be addressed in future development of this site. A significant level of detail is provided by the DAS and appropriate planning conditions should be attached to any approval to ensure that the development 'is substantially in accordance with the DAS'.
- 14.12 In addition to the DAS, this application includes five 'Design Parameter Plans' that are a requirement of outline applications in the Garden Suburbs. Design Parameters provide certainty on how sites will be developed and enable detailed design proposals to come forward via reserved matters applications and deliver necessary infrastructure for each phase of development. If the application is approved the Design Parameter Plans will be fixed as part of the permission and will provide the basis for Design Codes and consideration of future reserved matters applications. The Design Parameter Plans show the 'Land Use', 'Building Heights', 'Green Infrastructure',



‘Access and Movement’ and ‘Residential Density’. These plans generally accord with the SMF apart from a small section on the Land Use and Green Infrastructure Plan where there is a small section that is just about the 15m buffer required in the SMF. This is not considered to create a design problem as the plans still respond to the context and regard can still be had to any Design Codes that are approved.

- 14.13 The key change with the as submitted amendments is the increase in areas of green and blue infrastructure to provide for the SUDs scheme, therefore reducing the areas where building takes place, increasing the density of certain parcels by a small amount. However the overall density of the site remains below that as set out as the net density in the SMF.
- 14.14 The ‘Land Use Parameter Plan’ sets out the residential parcels of land, the relief road and primary road network, areas for flood relief infrastructure and noise attenuation, the existing and proposed green and blue infrastructure and the location of the necessary community infrastructure. It also sets out the important 15m buffer around Heybridge Wood and the landscaped corridor south of the relief road that will be between 20 and 30 metres, both as required by the SMF.
- 14.15 The ‘Green and Blue Infrastructure Parameter Plan’ corresponds with the Land use Plan and sets out where SUDs, open space, movement corridors and connecting routes for pedestrians and cyclists are and their relationship with the residential land parcels. Green and blue infrastructure plays an important role in place making and supporting the garden suburb principles in the SMF to provide the leafy green environments and open space to soften and relieve the hard edges of built form and to overlook and enclose greenways and green corridors.
- 14.16 The ‘Access and Movement Parameter Plan’ sets out the alignment of the relief road and movement and access for all modes of transport throughout the garden suburb and to the wider community and countryside.
- 14.17 The ‘Building Heights Design Parameter Plan’ sets out the building height range across the site from 2 storey; 2 - 2.5 storey and 2 – 3 storey. The 2 – 3 storey buildings are immediately adjacent the primary route. The 2 storey buildings are adjacent to existing development west of Broad Street Green Road and south of the relief road fronting the green corridor. The Building Heights are predominately 2 – 2.5 storey across the site.
- 14.18 The Building Heights and Density Parameter Plans would allow a building height range of up to three storeys and a higher density form of development in and around the Local Centre and the spine road travelling through the development which would carry the bus route, to create a focus of activity and an active centre for the garden suburb.
- 14.19 The ‘Residential Density Parameter Plan’ sets out the density across the site within three ranges: 22-29 dwellings per hectare (dph), 29-34 dph and 34-38 dph and generally corresponds with the Building Heights Parameter Plan. The highest density is in one area adjacent the primary route and around the local centre and the lowest density is adjacent to the existing development west of Broad Street Green Road and south of the relief road fronting the green corridor and adjacent to other landscaped features in the Green and Blue Infrastructure Parameter Plan.

- 14.20 The North Heybridge Garden Suburb Strategic Masterplan Framework applies a density range of between 30 - 35 dwellings per hectare. The NPPF is silent on housing density instead advising Local Planning Authorities to set their own approach to reflect local circumstances.
- 14.21 The SMF identifies an average density of 30 - 35 dwellings per hectare would be appropriate across the Garden Suburb. In reality, density would vary according to site characteristics with a higher density range in the local centre and a lower density range at the edges of the site adjacent to the open space and rural countryside as detailed in the 'Residential Density Design Parameter Plan'.
- 14.22 Based on the proposed development of 1,138 units, the average density across the whole development would be 33 units per hectare which would be within the density guidelines in the SMF. With the amendments to the application, the green areas have increased to include extended SUDs features. A consequence of this is that the density of the residential land parcels will be required to increase slightly in places, albeit it is considered that the difference will be insignificant and will not be noticeable.
- 14.23 This figure does not include an allowance for the 120 bed care home, the reason for this is that the care home is not defined as a dwelling but a different use and, in the same way it was not counted as part of the density calculations in the original scheme, it is not considered as such here.
- 14.24 The five 'Design Parameter Plans' will be fixed if the application is approved. The preparation of the Design Codes will be based on the design parameters and will inform future reserved matters applications to deliver the desired quality of design within the garden suburb as a whole in accordance with the SMF.
- 14.25 It is considered that from the information to be determined with this application, the proposal would accord with the Garden Suburb principles set out in the LDP and the SMF and would be acceptable within the context of an urban extension to the north of Heybridge.

#### **14.26 Landscape and Visual Impact Assessment**

- 14.26.1 The SMF recognises that the 2006 Maldon Landscape Character Assessment provides the baseline landscape character for this area. The site lies largely within one landscape character area, the Lower Chelmer River Valley, which comprises a shallow mainly arable river valley and valley slopes creating a strong sense of place. The western tip of the site lies within the Lower Chelmer River Valley Floor landscape character area which has a mix of arable and pastoral fields and distinctive linear tree lines close to the river.
- 14.26.2 In allocating the Garden Suburb for this location the level of development proposed would inevitably change the character of the landscape. However, a sensitive development approach following the Garden Suburb principles as set out in the SMF can ensure the mix of urban and landscape can be acceptably integrated and also allow for existing landscape features to remain. The 'Design Parameter Plans' seek to limit the building heights in certain areas, ensure land use areas accords with the SMF, ensure residential density is lower around the edge of the site, ensure green

infrastructure allows for a seamless integrating with the existing countryside around the boundaries of the site and the access and movement for existing countryside footpaths are not significantly altered.

14.26.3 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and informs the ES for EIA purposes.

14.26.4 The LVIA considers the fabric, character and condition of the landscape. The landscape includes features such as hedgerows and trees around field boundaries and ditches as well as Heybridge Wood that adjoins the site. The ES identifies that during the construction phase of the development when the residential areas, the new road and flood alleviation scheme are built there would be an impact upon landscape and this would progressively increase as the development is built out. The significance of this effect is judged as Major - Moderate Adverse, with associated effects on nature conservation, cultural heritage, amenity and tranquility. The proposal would result in the overall loss of the agricultural landscape and some features where pedestrian and road access needs to break through existing field boundaries and ditches. For the operational phase the ES judges the landscape effect to remain as largely 'Major-Moderate Adverse' significance including with secondary mitigation. The proposal would introduce a new built element into a substantial part of the existing Lower Chelmer River Valley character area and a small part of a second character area. The area for the proposed development is also substantially Grade 2 or Grade 3 agricultural land i.e. of Very Good or Good quality. There are some balancing beneficial effects of the increase in local green space created as part of the development.

14.26.5 Whilst it is noted that the development will therefore have a substantial impact on the landscape, this is to be expected of a Garden Suburb extension to the existing settlement and therefore, by allocating this development through the approved LDP, it is considered that this impact has been previously considered and established to be acceptable. However, to mitigate the development, it will be necessary and possible to include substantial landscaping within the proposed development and it is noted that this has been incorporated within the outline development proposals, which can be expanded upon through reserved matters and secured by conditions. It is therefore considered that the impact on the wider landscape character of the area would be acceptable and in-line with that which was expected of the site as a result of its allocation for development.

## **15. IMPACT ON HERITAGE ASSETS**

15.1 The ES identifies that there are a number of listed buildings in proximity to the development site. Historic England agrees with the assessment contained in the Built Heritage Statement accompanying the application that the harm to the designated heritage assets would be less than substantial harm.

15.2 Section 66 of Planning Listed Buildings and Conservation Areas Act 1990 (as amended) states that decision makers must have special regard to desirability of preserving a listed building or its setting and Section 72 of the same Act that special attention shall be paid to conserving or enhancing the character or appearance of a Conservation Area.

- 15.3 Furthermore, paragraph 196 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 15.4 The main above ground heritage assets affected are Poplar Grove Farm north of the relief road, Langford Rectory and Mitchells Barn that are west of Maypole Road the eastern extremity of the Langford Conservation Area and the Chelmer and Blackwater Navigation Conservation Area.
- 15.5 The endorsed Strategic Masterplan Framework (SMF) for the North Heybridge Garden Suburb considered the coalescence of proposed residential development in the development with the existing built form of Langford village, most of which is contained within the Langford Conservation Area. Both the SMF and the applicant’s conclusions set out that any perceived effects of development harm can be mitigated through landscaping and design mitigation to integrate the proposed development into the natural, built and historic environment and whilst some harm is identified the mitigation measures and public benefits associated with the development outweigh the harm caused.
- 15.6 There are no scheduled ancient monuments, registered battlefields, historic parks / gardens within the site or within the wider study area that would be affected.

## **16. ARCHAEOLOGY**

- 16.1 If archaeology is present this would be impacted upon by earth movements during the construction period which would remove archaeology features. To mitigate against this the ES states a program of mitigation trenching will be required as a condition of the planning permission. The archaeological advice received from ECC highlights that the specialist advisor has no objections subject to conditions requiring further archaeological assessments and a fieldwork program. Such conditions are recommended to be added to the approval of planning permission.

## **17. IMPACT ON RESIDENTIAL AMENITY**

- 17.1 The neighbouring land areas to the east, south and north-west are agricultural fields. To the north, south east and part of the western boundary there are residential properties. As an outline application there are no detailed layout plans for determination. The ‘Design Parameter Plans’ and DAS indicate future land uses, building heights, green infrastructure, residential density and movement and access. The DAS includes an illustrative framework masterplan indicating a potential layout of the site showing potential internal roads and building locations / plots. This is only illustrative and is not for determination with this application.
- 17.2 There are a number of existing residential properties that would be in close proximity to the proposed development and whilst the majority of the issues would be dealt with at reserved matters stage it is important to recognize the potential impacts to assess how they can be mitigated.

- 17.3 Wood Lane has a number of properties which take access off it. It is a private road but has a public footpath running its length into the development site. The proposed sports pitches would be located in close proximity to this boundary. Concerns have been expressed regarding potential parking along Wood Lane to access the sports facilities. The developer has recognized the risk and has identified that a mixture of measures such as physical barriers to prevent physical access to vehicles from Wood Lane, signage discouraging use of Wood Lane and potentially a barrier preventing access to all but owners would assist in ameliorating the impacts.
- 17.4 Issues in relation to noise and light spillage would be dealt with at reserved matters stage but the sensitive siting of lighting columns, light spillage controls and strengthened boundary planting, again would assist in mitigating effects.
- 17.5 The closest dwellings to the application to the site share its eastern border in Heywood Way where existing dwellings back onto the site. The amendments to the application propose stepping the development back from the shared eastern boundary to reduce any potential impact on the amenity of adjacent residents by means of overlooking and overshadowing.
- 17.6 Concerns have been raised regarding the impacts of the new Relief Road on properties in close proximity to both of its junctions. In terms of Poplar Grove, this would be subject to ongoing monitoring following completion of the Relief Road to assess whether additional barriers (in the form of fencing) are necessary to mitigate noise impacts. In terms of properties adjacent to Langford Road further noise studies were undertaken to assess the value of continuing the noise attenuation bund to the west of Maypole Road. It was concluded these properties already experience disturbance from traffic noise, the benefits would be negligible in attenuation terms and there was no material value in requiring a significant extension to the acoustic barrier on this basis. However, the condition suggested for Poplar Grove would also be appropriate to ensure any evidenced noise disturbance could be mitigated. Overall, the impacts on neighbouring properties would be taken account of at reserved matters stage but justified measures would be incorporated where appropriate.

## **18. PRIVATE AMENITY SPACE**

- 18.1 With this outline application there are no details of the exact layout of the development as this will be dealt with through the reserved matters. Nevertheless the MDDG forms supplementary planning guidance and details the levels of private amenity space needed for dwellings, unless otherwise agreed at the time of the consideration of the reserved matters, or for any other material consideration presented during the reserved matters. The details are stated as follows:
- Houses of one or two bedrooms need a minimum of 50m<sup>2</sup>
  - Houses of three or more bedrooms need a minimum of 100m<sup>2</sup>
  - Flats of two or more bedrooms (which may be occupied by households with children) communal residential gardens must be provided on the basis of a minimum area of 25m<sup>2</sup> per flat.
- 18.2 Details of private and communal amenity space will be determined at the reserved matters stage.

**19. GREEN INFRASTRUCTURE, OPEN SPACE, SPORTS PROVISION AND PLAYSPACE**

- 19.1 Formal sports playing pitches and associated facilities will be located towards the south eastern part of the site and would cover a land area of approximately 5 hectares of playing pitches. This will form a ‘sports hub’. Further sports pitches would be located within the primary school grounds. Sport England has provided comments and request conditions, obligations and changes to the phasing plan for the delivery of this infrastructure. In addition, the development provides extensive areas of informal space, parks and playspace and green corridors.
- 19.2 Playspace provision includes a Neighbourhood Equipped Areas for Play (NEAP) to the west of Heybridge Wood and five Local Equipped Areas for Play (LEAPs) that would be integrated into pocket parks within the residential areas but connected through the green corridors through the site. Unequipped play space for the youngest children will also be provided within the housing areas. LDP Policy I1 requires a financial contribution towards NEAP and LEAPs, and also for youth facilities (teen shelters, skateboard facilities and access to shared community services) as part of the pooling arrangements for the planning obligations
- 19.3 The Design and Access Statement proposes the provision of one NEAP and five LEAPS (in accordance with the IDP). The Council’s Leisure and Countryside Team have advised that a mix of two NEAPS and three LEAPS would be preferable given the scale of the development, with these being located so as to provide maximize access for residents and supplemented by the informal recreation provided by the connected green spaces.
- 19.4 Notwithstanding the comments, it is noted that the provision that is shown within the plans is compliant with the IDP and is therefore deemed to be acceptable.
- 19.5 For both the formal sports playing pitches and the playspace the ‘Green Infrastructure Parameter Plan’ shows locations for sports pitches and playspace areas which would be fixed as part of this application. The details of the play equipment and facilities to be provided would need to be provided with the reserved matters.
- 19.6 Agreement on the details of the future management regime for the green infrastructure, open space, playspace and the sports provision is essential and this will be subject of details being provided through planning conditions and through the planning obligations in the Section 106 agreement.
- 19.7 The Master Plan shows two potential locations for allotments. The application identifies one of these options in the south east corner of the site as the preferred location because it provides access to existing and new neighbourhoods.
- 19.8 The provision of green infrastructure and the creation of a network of green spaces is a key component of the garden suburb. The SMF proposes a network of green spaces linked with the existing settlement through a network of green corridors, recreational facilities, footpaths, cycle ways and semi-natural greenspace and streetscapes in keeping with Garden Suburb principles. The green infrastructure strategy will need to include efficient and effective maintenance and management of these areas.

- 19.9 The 'Green Infrastructure Parameter Plan' identifies the green infrastructure within the site, which broadly accords with the green infrastructure principles set out in the SMF. The DAS includes an 'illustrative landscape masterplan' identifying the key greenspaces, corridors and strategic pathways through the site and around the edges of the site. These include new formal and informal open space, linear green spaces alongside existing natural drainage ditches or hedgerows, structural landscaping including the northern boundary with the relief road, routes for cycling and walking including links into the wider countryside and the conservation and enhancement of Heybridge Wood and its setting, as well as other existing habitats of value.
- 19.10 The SMF includes provision for a Country Park in accordance with policy S4 in the Submission LDP. However, further clarification was provided to the LDP Hearing in January 2015 on the nature of this proposal and the County Park deleted from the formal approved version of the LDP.
- 19.11 The proposed development is considered to be in accordance with the requirements of the LDP. The area to the west of Maypole Road is retained in agricultural use and will serve as a green buffer to provide a clear separation between Heybridge and Langford Villages and to protect and enhance the setting of Listed Buildings and other heritage assets. It also provides improved footpath and cycle linkages with Elms Farm Park and the Blackwater Rail Trail to the west of the garden suburb and opportunities for enhanced access to the countryside. The approach to landscaping around the rights of way, to include surfacing, meadow planting and separation of these routes from the relief road traffic, will be further consulted on at Reserved Matters stage. The development makes adequate provision for open space to meet the needs arising from the development.

## **20. LANDSCAPING, BIODIVERSITY, ECOLOGY AND TREES**

- 20.1 Given the scale of development, the impact upon the nearby statutory designations needs to be considered. The application site is within or in close proximity to European designated The Blackwater Estuary Special Protection Area (SPA), and Special Area of Conservation (SAC), to a Ramsar site (a wetland of international importance), and also at a national level to the Blackwater Estuary Site of Special Scientific Interest (SSSI).
- 20.2 Upon consultation in relation to the original planning application Natural England raised concerns about the potential impact of the development upon the International and European designated sites. When consulted on the Habitats Regulations Assessment for the then emerging Maldon Local Development Plan, Natural England accepted the conclusions of no likely significant effect, but that included the provision of a new country park. In the absence of the country park Natural England required clarification that further new green infrastructure or improvements to existing facilities would be provided or further assessment to demonstrate that significant impacts from recreational activity would not occur on the sensitive overwintering bird populations at the Blackwater Estuary. Further information has now been submitted including an addendum to the original Habitats Regulations Assessment (HRA) information, revised Movement and Access Parameter Plan and Heybridge North Relief Road Design Strategy. This sets out a commitment to a number of rights of way improvement measures previously discussed between Natural England and the



applicant which should act to avoid any significant increase in recreational pressure at the estuary. It should be noted that these measures can act to reduce the frequency of visits to the estuary from existing as well as new residents in the area. Natural England particularly notes the proposed permissive footpath connecting the west of the development site with Elms Farm Country Park (via the relief road) and another alongside the Blackwater Rail Trail to the north of Langford Road, as well as the approach to landscaping around rights of way to the north of the relief road as set out in the Heybridge North Relief Road Design Strategy. Key measures include surfacing of footpaths and soft landscaping such as hedgerows and meadow planting to separate footpath routes from the relief road traffic.

- 20.3 Natural England concludes that the scheme is not likely to have a significant effect on the Blackwater Estuary SPA and Ramsar site, and the Essex Estuaries SAC and as such, no Appropriate Assessment is required. However, conditions are required to ensure that the detailed design and phasing of the proposed rights of way improvement (including new permissive footpaths) are submitted for approval prior to the occupation of any dwelling. In addition, Natural England is satisfied that there is not likely to be an adverse effect on Blackwater Estuary SSSI, as a result of the proposal being carried out in strict accordance with the details of the application.
- 20.4 The applicant has submitted a shadow Habitats Regulations Assessment with the amended application to inform the 2018 updates. This concludes the development will have no significant effects, particularly in relation to the predicted recreational impacts as assessed for the Blackwater Estuary designated sites. This is based on similar conclusions to the 2015 Habitats Regulations Assessment which concluded that on the basis of the green infrastructure provision and improved public rights of way to direct people away from this coastal designated site, likely significant effects could be ruled out for recreational pressure.
- 20.5 However, since the application was originally submitted the Essex Recreational Avoidance Disturbance Mitigation Strategy (RAMS) has been developed highlighting an overarching cumulative effect on the Essex Coastal designated sites, including the Blackwater Estuary. Through this systematic approach it has also been identified that mitigation through measures such as the green infrastructure strategy by itself is not sufficient to mitigate these in combination impacts and as such Natural England's current advice is that other contributions should be asked for off-site mitigation works.
- 20.6 On the receipt of this advice the applicants were asked for comment. In response they have agreed to accept in principal that an additional contribution would be needed to be attached to any proposed S106 agreement to secure an off-site RAMS contribution in mitigation of such an impact. The formula used for calculating this amount is as set out in the RAMS report which was considered by the Planning and Licensing Committee on 24 January 2019 and is set at £122.30 per dwelling of which there are 1,138. This gives a total of £139,177.40 for off-site mitigation as required by this development.
- 20.7 The application site borders and wraps around the Heybridge Wood Local Wildlife Site. The 'Green Infrastructure Design Parameter Plan' shows an area of informal open space around Heybridge Wood including a 15m ancient woodland buffer zone within the development site, which helps provide a natural buffer to protect the

existing designation from the nearest areas of built development. Recommendations have been made for enhancement and community engagement in Heybridge Wood.

- 20.8 The ES includes data from the Ecological Appraisal of the site in July 2102 updated in May 2015. The site is predominantly arable fields with the most important existing habitats being within Heybridge Wood, sites and habitats immediately adjacent to it and located around the edges of the fields where established field boundaries acts as habitats and wildlife corridors. Detailed bat, reptile, newt, toad, bird and badger surveys were also carried out.
- 20.9 The ES identifies that at the construction stage of the development, without mitigation, there is the potential for disturbance and damage to vegetation such as removal of hedgerows for access, habitat fragmentation, loss of arable land for the development, potential pollution within Heybridge Wood, and disturbance or loss of protected and notable species. At the operational stage of the development, without mitigation, the key effects identified are: Disturbance of habitats and species, pollution and nutrient enrichment from increases in sewage discharge and traffic, and changes to the hydrological regime within European and/or locally designated sites; death or harm, loss and fragmentation of habitat, disturbance, predation, and collision with traffic of protected and notable species.
- 20.10 The ES identifies how construction activity, noise and light disturbance has the potential to negatively affect the breeding bird assemblage by dissuading birds from using habitat close to construction areas. The magnitude and duration of any effect will vary depending on the particular activity and the time of year. Effects are likely to be localised and short-term but in some cases may adversely change the conservation status of certain species if. However, even in the absence of mitigation a significant negative effect at the Local level is Unlikely.
- 20.11 Bats could also be disturbed by construction phase-related activity such as lighting in the absence of mitigation this could be sufficient to adversely affect the conservation status of bats and is considered to be a probable significant negative effect at the local Level. Disturbance through increased human activity in the area will be controlled through measures implemented in the Construction Environmental Management Plan (CEMP) such as a lighting strategy detailing the timing and location of lighting. Ongoing artificial lighting of the development is highly disturbing to bats and can significantly impact on bat activity. This could effectively result in the loss and fragmentation of bat foraging areas, roosting sites and commuting routes and therefore in the absence of control measures, artificial lighting is likely to adversely affect the conservation status of the bat assemblage and result in a probable significant negative effect at the local level.
- 20.12 In relation to the new relief road the design of new post-construction planting and sensitive lighting will enable bats to safely follow existing flight routes but minimise the risk of collisions between bats and vehicles. Buffer planting will follow and enhance the known bat flight route and enable bats to continue to move east-west. It will also connect to new planting and habitat creation along the relief road and bund, enhancing bat movement along the length of the bund. Mitigation to enable bats to move north-south is in the form of suitable tree, hedgerow and scrub planting along both sides of the eastern section of the proposed relief road, connecting new buffer habitat to retained and new habitats to the south, including Heybridge Wood. Again,

the design of new post-construction planting and sensitive lighting will enable bats to safely follow new flight routes across roads.

- 20.13 With proposed mitigation, disturbance and damage to vegetation will be minimized, impacts in terms of pollution, flooding and air quality will be controlled, fragmentation of commuting and foraging routes will be reduced, compliance with legislation and licensing procedures, timing of works, species translocation and habitat and green infrastructure creation will minimize harm to protected and notable species, and a lighting strategy will minimize effects on nocturnal species.
- 20.14 The ES concludes that, with implementation of the mitigation, there will be no residual significant effects as a result of the development, with the exception of the loss of winter bird and farmland bird habitat for which no mitigation is possible. Since this was prepared, it has been agreed that a contribution will be required to mitigate the Natural England expectations with respect to residential activity mitigation, through a RAMS contribution, which will mitigate the impact of the development even further than expected by the supporting submissions.
- 20.15 Suitable conditions will be employed to ensure all trees and hedgerows to be retained are identified and subject to a protection plan, with an appropriate constraints plan, arboricultural implication assessment and method statement also required.

## **21. PARKING**

- 21.1 As an outline application, there are no details of precise parking provision as this will be detailed in the future reserved matters when considering layout. The Council's adopted Maldon District Vehicle Parking Standards (VPS) apply and they set out car parking requirements for all types of uses. The VPS also includes minimum car parking space dimension criteria. In addition, cycle parking standards will also need to be achieved. These parking standards (or any updated / amended version) will need to be achieved for any future reserved matters.
- 21.2 Details of private, communal and visitor parking will be determined at the reserved matters stage.

## **22. AIR QUALITY**

- 22.1 An air quality assessment is appended to the ES which informs the ES for EIA assessment purposes. The ES identifies air quality implications for the construction phase of the development and operational phase of the development when all the buildings have been constructed.
- 22.2 The construction of the Relief Road and implementation of the Public Transport Strategy would assist significantly in mitigating the potential adverse effects on air quality. These measures would be requirements of the development and as such delivery can be assured.
- 22.3 Since the original application it is noted that the Council has adopted as a SPD related to Air Quality and Emissions. The amended application takes this into account and

provides the necessary mitigation Statement that the SPD requires. The designation of Fullbridge / Market Hill as an Air Quality Management Area is considered in Chapter 14 of the ES addendum. This concludes that the development, and in particular the net reduction in through traffic as a result of the new relief road, whilst not representing a significant improvement in air quality will make a positive contribution.

## **23. NOISE**

- 23.1 A noise assessment is appended to the ES which informs the ES for EIA assessment purposes. The ES identifies that the construction phase of the development would be the noisiest part of the development with an increase in noise on site and through traffic delivering to the site. The mitigation to address this impact would be achieved through the Construction Environmental Management Plan planning condition, which would involve the control of working hours, noise barriers or hoardings and measures to avoid vibration. For the operational phase the likely noise sources will derive from the school (playground and sports pitches), the sport pitches to the south east of the site, traffic and potentially from the local centre area, depending upon the future uses of buildings.
- 23.2 In order to mitigate the impacts of the Relief Road on the new residential development it is proposed to construct an acoustic barrier along the southern side of the Relief Road along the extent of the northern boundary of the residential development. The barrier would be 3.5m in height and whilst the design and form of barrier would be dealt with at the reserved matters stage the Design Strategy for the Heybridge Relief Road has identified the different forms it could take with a mixture of bunds and acoustic fencing to vary it in form and interest, further supplemented by landscaping measures to soften its appearance.
- 23.3 Issues in relation to potential impacts on existing residential properties have been addressed in Section 17 above. Further to this the additional noise survey work that was undertaken in relation to the western end of the Relief Road showed that at worst case scenario there may be a slight exceedance of the World Health Organisation standard in the rear gardens of the nearest properties but the exceedance is calculated to be 2.6dBA (A-weighted decibels) which is below the accepted level of 3dBA, below which the impact is not generally considered to be significant. On this basis, conditions have been suggested that would be sufficient to mitigate any loss of amenity experienced in this regard.

## **24. GROUND CONDITIONS AND LAND CONTAMINATION**

- 24.1 The majority of the existing site is arable farmland and the ES advises that the underlying geology comprising of clay, silt and sand belonging to the London Clay formation. The Geo-Environmental Phase 1 Desk Study Appraisal identifies no significant contaminative on site. The ES identifies the predicted impacts of the development involve potential contamination of the soil and groundwater due to earthwork operations and the spillage of fuels and stored materials on site. Any such contamination which may be found on site prior to occupation of the development will need to be remediated. The Environmental Health Officer has advised that

further land contamination surveys and any future remediation can be dealt with through the use of planning conditions.

## **25. EXTERNAL LIGHTING**

- 25.1 The commercial uses, community uses and each dwelling is likely to have some form of external lighting and there will be street-lighting throughout the development.
- 25.2 External lighting on dwellings can be installed as permitted development and given the scale of development it is not considered necessary to withdraw permitted development rights for external lighting for domestic use. Issues relating to ecological implications are addressed in the following section.
- 25.3 The design and siting of external lighting will be required to take into account impacts on Heybridge Wood a management plan for Heybridge Wood, will be required to be submitted in advance of approval of Reserved Matters for the first phase of the development, and should demonstrate how the wood will be managed in perpetuity for the benefit of biodiversity and amenity.
- 25.4 A lighting strategy will be implemented following approval in the reserved matters phases of the development to minimise the effect of lighting which will be particularly important within key roosting, commuting and foraging areas. The strategy will include the following measures:
- Creation of dark flight corridors within certain areas of the Application Site;
  - Use of flat-glass protectors on luminaires to help reduce light spill above angles greater than 70° from the vertical plane;
  - Dimming / extinguishing of lighting within the site during certain periods of the night or after a certain time, when human activity within the Application Site is less;
  - Where residential dwellings and commercial properties overlook dark flight corridors, use of window glazing which prevents light spill;
  - Avoiding light spill onto areas of high quality bat habitat (such as Heybridge Wood) by using accessories such as shields, louvres, hoods and cowls.
- 25.5 The provision of sports pitches to the south eastern corner of the site and within the primary school could result in future floodlighting. There are no such details included with the application and the Environmental Health Officer is concerned that such lighting could give rise to nuisance complaints. Floodlighting is also likely to impact upon ecology / biodiversity as well as the rural countryside to the south, particularly from the sports pitches to the south eastern corner of the site. However the installation of floodlights would require planning permission in their own right and this cannot be addressed at this stage as it is not proposed.

## **26. CONSTRUCTION MANAGEMENT PLAN**

- 26.1 The ES refers to need for a CEMP to provide the mechanism for mitigating adverse environmental impacts and managing the construction of the development. The CEMP will include the need for a site waste management plan, materials management plan, pollution prevent plan, water management plan, traffic management plan and emergency response plan. The CEMP will be the subject of a planning condition requiring the information to be submitted prior to the commencement of development.

## **27. REFUSE AND RECYCLING**

- 27.1 The DAS includes a section on the 'provision for waste storage and collection' identifying that storage areas should not be conspicuous and should be within 10m of a refuse collection point for residential properties. Bin storage can form part of the overall design of the development rather than an afterthought and therefore such consideration should be given during the preparation of the reserved matters. Planning conditions which will inform the reserved matters to ensure refuse and recycling provision is located within the development, particularly with any flatted development.

## **28. CLIMATE CHANGE AND RENEWABLE ENERGY**

- 28.1 The ES has considered climate change and renewable energy considerations identifying that there may a loss of supply to existing infrastructure during the construction stage of the development but any impact would be negligible. Other techniques such as reducing private vehicle usage, recycling and re-use water help address climate change should be addressed at the reserved matters stage.

## **29. SOCIO-ECONOMIC CONSIDERATIONS**

- 29.1 The proposed development would bring employment opportunities in the construction sector for the duration of the construction phase of the development which is beneficial to the local economy. A slight adverse impact in terms of disruption is likely to be experienced during the construction stage of the development for users of the Public Rights Of Way (PROW) in the area. The completed development includes a local centre, education and sports facilities. All these areas would lead to future employment opportunities. In terms of the social impact the development would be an extension of the existing settlement of Heybridge and would benefit existing residents living to the north of the development through the local centre, education, sports provision and associated employment.

### **30. CUMULATIVE IMPACT**

- 30.1 The ES as amended has considered the cumulative effects of the development which is likely to be built at same time as other large scale developments within the North Heybridge Garden Suburb and alongside other consented developments. The ES concludes there is likely to be a cumulative impact upon ecology, landscape and visual impact, and socio-economic impact but that these impacts can be mitigated.

### **31. PLANNING OBLIGATIONS AND VIABILITY - SUMMARY**

- 31.1 At various stages of the above assessment, reference has been made to various planning obligations that are required and necessary to be secured through the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act. It is considered that it is not necessary to repeat the discussion of the relevance, necessity, reasonableness and proportionality of each of these planning obligations, but appropriate to provide a summary of the planning obligations and some policy context for the agreement of these obligations.
- 31.2 Consistent with Section 122 of the Community Infrastructure Levy Regulations 2010, paragraph 56 of the NPPF states that “planning obligations must only be sought where they meet all of the following tests:
- 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.”*
- 31.3 For reasons that are discussed throughout this report, LDP policies S4 (Maldon and Heybridge Strategic Growth), I1 (Infrastructure and Services), I2 (Health and Wellbeing), N1 (Green Infrastructure Network), N3 (Open Space, Sport and Leisure), E3 (Community Services and Facilities), E6 (Skills, Training and Education), T1 (Sustainable Transport) and T2 (Accessibility) are all relevant here.
- 31.4 The table overleaf sets out the information taken from the Infrastructure Delivery Plan (IDP) specifically for this site and updated where appropriate. The financial contributions demonstrates the proportionate amount for this site as part of the pooling arrangements which limit the contributions to the maximum of five per infrastructure project or five per type of infrastructure as required by the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

Infrastructure Item as listed in the LDP / IDP	LDP policy I1 and IDP Financial Contributions ‘including pooled’ arrangements	Phasing (assuming 2019 start)
Highways and Transport		
Construction of Relief Road	£11,122,000 (equates to full highways contribution required in IDP)	2019 - 2025
Public transport improvements to serve North Heybridge Garden Suburb	£2,457,000	2021 - 2025
Education		
56-place early years and childcare facility to serve Heybridge	£921,862**	2023 - 2025
210 space (one form entry) primary school and 56 early year and childcare facility	£3,017,004**	2024 - 2026
Expansion of Plume School – Lower School	£948,406**	2022 - 2023
Expansion of Plume School – Upper school / sixth form	£3,133,865**	
Teen shelters, skateboard facilities and access to shared community facilities to serve Heybridge	£560,625	To be determined***
NEAPs and LEAP	£119,232	To be determined***
Medical facilities to serve North Heybridge Garden Suburb –	£340,200 plus land reserved for healthcare facility	2020 - 2024
Allotments to serve North Heybridge Garden Suburb	£49,560	To be determined***
Sport Facilities to serve North Heybridge Garden Suburb	Applicant to deliver	To be determined***
TOTAL		

\*\* .....Where there is to be any variation in the number of units delivered contributions will be on a pro-rata basis

\*\*\* .....To be delivered in association with the appropriate residential phase.

- 31.5 The draft heads of terms submitted with the application demonstrate that infrastructure contributions would be provided by the developers and the development



would therefore be in accordance with the requirements set out in the LDP. The 'recommendation' section identifies the proposed infrastructure contributions.

- 31.6 In addition to the above, the application as amended proposes policy compliant 30% affordable housing across the site. In accordance with new guidance in providing a policy compliant scheme there is no need, as set out in Planning Guidance, for the applicant to provide a viability assessment.
- 31.7 Since the above was prepared, it is also the case that the Local Planning Authority is obliged to seek a RAMS contribution as discussed at Section 20 of this report. Similarly, it is considered that the Section 106 agreement is also the most appropriate mechanism to control the provision and/or agreement of a travel plan and travel information packs (as discussed at section 13 above) and the management of open space and blue and green infrastructure (as discussed at 3.2 above).

## **32. SUSTAINABILITY APPRAISAL**

- 32.1 Paragraph 7 of the NPPF sets out the three dimensional tests, which are the economic role, social role and environmental role and these all need to be achieved for the 'presumption in favour of sustainable development', as defined in paragraph 14 of the NPPF, to apply.
- 32.2 For the economic role the construction phase will bring employment to the local area and use of local resources (where possible). Once completed the proposal would provide further employment opportunities through the local centre, the education facilities, green infrastructure, sports provision and home-working.
- 32.3 For the social role, the proposal would establish a new community and would allow integration of the existing community usage of the local centre, education facilities, green infrastructure and sports provision. The proposal would provide for a minimum of 341 affordable housing units to meet the needs of the District as well as creating a high quality built environment and improved integration and access to local facilities.
- 32.4 For the environmental role the proposal would lead to a significant change in the current environment and the loss of some biodiversity and ecology but mitigation measures are proposed and the development would form an extension to Heybridge in the most appropriate and sustainable location, when considered against other Strategic Housing Land Availability Assessment sites. Full regard has been given to the future development of the site in regard to the SMF, its landscape impact, integration with the existing urban area and its associated infrastructure.
- 32.5 For these reasons, the proposal is considered to constitute a sustainable form of development.

## **33. CONCLUSION AND PLANNING BALANCE**

- 33.1 The proposal is in accordance with the LDP and the North Heybridge Garden Suburb Strategic Masterplan Framework. Delivery of the site will assist the Council in achieving its five year housing land supply requirements.

- 33.2 This proposal would provide 1,138 dwellings of which between 30% would be affordable housing units in accordance with approved policy.
- 33.3 The previous FAS will not be pursued however it is not within Policy in the Approved LDP and the development has to take into account its own impact and cannot be required to address pre-existing problems in North Heybridge in isolation. The use of an integrated SUDs scheme to deal with flooding is commonplace on many developments and consultees confirm that its use and continued maintenance here will not increase the risk of flooding else. Therefore Officers conclude that in this case risks from flooding can be effectively managed on site in perpetuity.
- 33.4 The site is within Flood Zone 1, the lowest flood risk, although the site drains into flood zone 3, the highest risk. If the development deals with its own flood water and mitigates against additional off site impact the NPPF (2018) states unequivocally at para 163 that: *“when determining any planning applications, LPA’s should ensure that flood risk is not increased elsewhere”*. Paragraph 163 then sets out five criteria in which an application should demonstrate that the development is appropriately flood resistant and resilient; it incorporates sustainable drainage systems and that the risk can be managed. In consultation with the LLFA and the Environment Agency and with the amended FRA as submitted it is considered that the development will not result in increased flooding elsewhere, that the SUDS scheme is sufficient to manage flood risk, is appropriately resistant and resilient, and residual risks are managed by the sites ability to hold water on site through a fully integrated SUDs scheme.
- 33.5 It is concluded therefore that in light of the 2018 NPPF the SUDs scheme is wholly appropriate and complies with the National Planning Policy Framework.
- 33.6 The development would include the provision of a new relief road which would assist in alleviating traffic flows within the built up areas of Maldon and Heybridge and improve linkages to the north of the District and the A12 improving congestion and increasing connectivity in the local area. The road will be completed in the early stages of the development and prior to the occupation of the 350<sup>th</sup> dwelling.
- 33.7 The North Heybridge Garden Suburb Strategic Masterplan Framework provides guidance on the spatial vision for this area in accordance with the policies set out in the LDP. It has been endorsed by the Council as a material consideration in the determination of planning applications following stakeholder engagement and public consultation. This application is in general accordance with the SMF, unless otherwise stated in the report.
- 33.8 The application seeks approval for the Design Parameter Plans which show ‘Land Use’, ‘Building Heights’, ‘Green Infrastructure’, ‘Access and Movement’ and ‘Residential Density’ as submitted. This requires future reserved matters applications to accord with the Design Parameter Plans when details of layout, scale, appearance and landscaping are considered. Conditions will be required to refer to these plans and the detailed Design and Access Statement. Furthermore, compliance with ‘Design Codes’ would need to be incorporated within reserved matters applications and the phasing for the entire development would need to be agreed through a discharge of conditions application. These measures provide an adequate basis for delivering a high quality garden suburb development.

- 33.9 This application is acceptable in principle and meets with the three dimensional tests of the economic role, social role and environmental role as outlined in paragraph 7 of the NPPF for the ‘presumption in favour of sustainable development’, as defined in paragraph 14 of the NPPF, to apply. This site is sustainable and will become more sustainable in the future through the associated strategic growth of the North Heybridge Garden Suburb which will provide the necessary infrastructure for connections in the area and beyond. The EIA and ES as amended are robust documents which have addressed issues raised in the scoping opinion and set out mitigation measures where appropriate that can be addressed either by condition or in the accompanying S106.
- 33.10 The application has been through three consultation processes, the last one being for the amendments as here discussed, and has been assessed in regard to the Approved LDP, the relevant paragraphs of the NPPF, all the consultation responses and all other material planning considerations. This report demonstrates that taking into account the planning balance the application can be recommended for approval subject to conditions requiring further details and mitigation, and subject to planning obligations to secure the required infrastructure provision.

#### **34. ANY RELEVANT SITE HISTORY**

- 34.1 No relevant planning history.

#### **35. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Totham Parish Council (June 2015)	No objections.	Noted
Great Totham Parish Council (February 2016)	<p>No objections.</p> <p>Supports the application in principle but objects to (vi) a relief road between Broad Street Green Road and Langford Road.</p> <p>The council is concerned about the new junctions where the proposed relief road bi-sects the lower end of Maypole Road, particularly as the junctions will require ‘right-turns’ that could prove hazardous.</p> <p>Naming suggestions for the road and a request to plant oak trees along the route was also made.</p>	<p>The relief road is identified in the LDP and the evidence with the Infrastructure Delivery Plan to reduce congestion in Heybridge. Safety Audits would be required to be undertaken as part of the construction process to ensure safety.</p> <p>The naming of a road is not part of the planning process.</p>

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council (June 2015)	<p>Recommend refusal.</p> <p>Concerns that any determination at this time could be open to challenge due to the Inspectors letter that found parts of the Local Plan unsound.</p> <p>Objection to the Garden Suburb principal – reference made to previous objections made to the Master Plan Framework. The development is a self-contained community with no real connectivity to the existing built environment.</p> <p>The transport impact remains unknown with only minor works proposed.</p> <p>The Parish Council (PC) is pleased to note the Strategic Flood Alleviation Scheme (SFAS) forms part of the application. Concerns in light of the Inspectors comment on the legality of using a S106 Agreement to deliver the SFAS.</p> <p>Should Members be minded to grant consent, the PC would wish to engage with Maldon District Council (MDC) and the applicant in respect of community facilities which should form a central point for the whole community and not be fragmented.</p>	<p>This is out of date, the LDP being Approved by the Secretary of State in July 2017.</p> <p>This is considered incorrect as the development proposes a walking / cycling neighbourhood with links to the existing surrounding settlement.</p> <p>Addressed within report.</p> <p>The FAS is no longer part of the amended application.</p> <p>Noted. The provision of facilities is discussed within the report.</p>
Heybridge Parish Council (February 2016)	<p>Maintains the objection from June 2015 set out above.</p> <p>Also raise concerns regarding transport impacts and the safety of the proposed junction designs.</p> <p>Concerned about the absence of pedestrian/cycle links.</p> <p>The Parish would wish to play an active role in discussions with respect to the FAS.</p>	<p>Noted.</p> <p>Discussed within report.</p> <p>Cycle and pedestrian links are proposed.</p> <p>The FAS is no longer part of the proposal.</p>

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council (June 2015)	<p>Recommend refusal: The application does not mention the proposed country park.</p> <p>Concerns about the impact of vehicular traffic on residents living along the B1019 who will be subjected to noise, light and air pollution.</p> <p>Suggest provision of park &amp; ride scheme.</p> <p>Requests confirmation of the new route for footpath 30 (Langford).</p> <p>Seeks confirmation when construction of the relief road and alleviation scheme will commence as construction will have direct impact on residents living close to the proposed works and have a detrimental impact on their residential amenity.</p> <p>Requests reduction in speed limit through Langford village be reduced from 40mph to 30mph.</p> <p>Seeks confirmation of location of new street lighting.</p> <p>Advises of incorrect train data in submitted Transport Assessment April 2015</p>	<p>The provision of a Country Park has been removed from the Approved LDP.</p> <p>Noise impacts are addressed within the report above.</p> <p>Noted but not part of this application.</p> <p>Would be addressed under the terms of other actions and is not part of this application.</p> <p>Issues in relation to disruption during the course of development is dealt with in the report and would be controlled by Condition. The time limits will also be set out within conditions.</p> <p>Issues in relation the reduction of the speed limit within Langford are matters for the Highway Authority and cannot be considered as part of this application.</p> <p>Will come forward in reserved matters applications.</p> <p>Train data can change and this application has been with the Council for three years.</p>
Wickham Bishops Parish Council (June 2015)	Approve subject to further traffic mitigation within Wickham Bishops.	Noted.
Wickham Bishops Parish Council (March 2016)	S106 Agreement should include provision for traffic calming measures along Maypole Road, The Street and Witham Road, and the staggered junction should disallow right turns onto Maypole Road to traffic headed west on the relief road	Issues in relation the staggered junction at Maypole road are dealt with in Section 13.

35.1.1 Following receipt of amended plans additional consultations were carried out again, attached is a list of additional comments received which are not mentioned in the table above:

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The Council supports the application in principle but asks the following questions:</p> <ol style="list-style-type: none"> <li>1. Will the estate layout and design accord with the latest vehicle parking standards?</li> <li>2. Is there adequate capacity available or planned for sewage treatment?</li> <li>3. Will the provision for dealing with surface and storm water be adequate?</li> <li>4. Is there adequate capacity available in local schools to accommodate children housed in the first building phase given that the construction of the school is planned for the second phase?</li> <li>5. What plans will be in place to deal with the pressure on the existing road network arising from occupants of phases one and two given that the construction of the relief road is planned for phase three?</li> </ol>	<ol style="list-style-type: none"> <li>1. Yes. Discussed in detail within report.</li> <li>2. Yes. Discussed in detail within report.</li> <li>3. Yes. Discussed in detail within report.</li> <li>4. Yes. Discussed in detail within report.</li> <li>5. The development has been assessed in light of short and long term impacts. The mitigation measures and their timing is considered to be proportionate to the impacts of each phase of development.</li> </ol>
Heybridge Parish Council	<p>Our previous comments contained in our response to the above application remain and we make the following further comments based on the additional information now provided in the Heads of Terms of Agreement of the Section 106 matters proposed.</p> <ol style="list-style-type: none"> <li>1. The 30 minute bus service proposed is considered totally inadequate to serve as a commuter service where frequencies of 10-15 minutes are considered the minimum to offer and alternative to the private car.</li> <li>2. We note the Strategic Flood Alleviation Scheme (SFAS) remains part of this planning proposal and is intended to be delivered by the developer as outlined in the attached Draft Head of Terms for a Section 106 Agreement. However, we also note that a maximum costed sum has now been identified for this scheme. There is no indication whether this includes the full scheme cost or a contribution limit from the developer.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted however a 30 minute bus service is not considered detrimental to the scheme and adequate to meet the needs of the development.</li> <li>2. The FAS is not part of the as amended proposal. It is correct that the FAS is no longer a part of the LDP.</li> <li>3. The development is linked to existing surrounding areas and is intended not as a separate development but part of the wider settlement of Heybridge.</li> </ol>

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>Moreover, the recent consultation document regarding changes to the emerging Local Development Plan removes the (SFAS) as a policy requirement of this development. That and the previous Inspector's comment on the legality of using Section 106 as a delivery mechanism raise serious concerns as to how, if at, all the scheme will be built as proposed to a specification yet to be articulated as one proven adequate for the development.</p> <p>3. We remain concerned that supporting social infrastructure (such as Community Hall/sport facility and the health care facilities) unacceptably promotes the Garden Village as a stand-alone development with little if any connectivity to the existing community.</p>	
Langford and Ulting Parish Council	No further comments received	Not applicable (N/A)
Wickham Bishops Parish Council (October 2018)	No further comments to make but reiterated comments about requiring traffic calming measures along Maypole Road.	Noted.
Maldon Town Council (October 2018)	No Comment.	N/A

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Braintree District Council (July 2015)	<p>The proposed bus service is welcomed.</p> <p>It is observed that there would be a traffic impact on the B1019 at Hatfield Peverel. Residents would likely access the A12 via this route which experiences congestion, with the junction of the B1019 and B1137 in Hatfield Peverel queuing at peak times. The cumulative highway impact of this</p>	<p>Noted.</p> <p>Longer term issues cannot be addressed through this application which has been subject to a Transport Assessment. These will be addressed through joint working between the key</p>

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	development and other development proposals within the Braintree District would have to be carefully considered	authorities and ECC Highways.
Chelmsford City Council (June 2015)	Supports the proposed transport provisions and highway upgrades.	Noted
Chelmsford City Council (February 2016)	No additional comments received over and above their existing comments.	N/A
Chelmsford City Council (October 2018)	No additional comments received over and above their existing comments.	N/A
Essex Water Services (Essex Fire Authority) (June 2015)	Please note that fair hydrants and acceptable mains connection will be required.	This would be addressed by other legislation.
Historic England (June 2015)	No objection but identifies the relevant heritage assets.	These are discussed within the report.
Historic England (October 2018)	No additional comments received over and above their existing comments	N/A
Highways England	No objection. (The same response was received in 2015, 2016 and 2018.)	Noted.
ECC Highways Authority (November 2016)	<p>No objection subject to conditions.</p> <p>Extensive investigation and analysis has been undertaken of the supplied information and it has been found that the proposal is not contrary to relevant legislation and would have an acceptable impact on the highway network.</p> <p>The relief road and the passenger transport strategy would be beneficial to North Heybridge.</p> <p>The mitigation measures proposed are considered to be adequate and the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider network.</p>	Noted and discussed above. The conditions are included below.
ECC Highways Authority (January 2019)	No further comments to add and the above assessment remains applicable.	Noted.



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Sport England (June 2015)	<p>It appears that the sports facility provision would exceed the requirements of the development.</p> <p>More detail and consideration is required in relation to the types of playing pitches proposed.</p> <p>The location and siting of the sports facilities is considered to be acceptable.</p> <p>The location of children's play equipment should not compromise sports pitch provision. It will also be necessary to ensure that the facilities are accessible.</p> <p>A condition should be imposed to require details of the playing pitches to be submitted and agreed, including details of drainage and a ground conditions assessment.</p> <p>Details of ancillary facilities (clubhouse/changing rooms etc.) should be secured at outline stage.</p> <p>A contribution should be made to indoor facilities as none are provided on site.</p> <p>A condition should be imposed to enable the primary school facilities to be shared with the community.</p> <p>An objection was raised on the grounds of the proposed phasing as a substantial amount of the development would be complete before the facilities are provided.</p>	<p>The comments are noted and have been addressed by later submissions. A number of the points raised would be addressed in reserved matters applications and through the imposition of conditions as set out below.</p>
Sport England (September 2016)	<p>CIL cannot be relied upon within the Maldon District at this time and therefore on-site provision is required.</p> <p>A condition should be imposed to address shared community use of school facilities.</p> <p>Late delivery should only occur where the Council is satisfied that the justification is valid.</p>	<p>On-site provision is proposed without dependence on CIL.</p> <p>A condition to address this requirement is suggested.</p> <p>The phasing of the development is considered to be acceptable in this instance.</p>

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Sport England (September 2018)	No additional comments to make.	N/A
Essex County Flood and Water Management Team (SuDS) (June and July 2015)	The submitted Flood Risk Assessment was deemed to be inadequate.	Addressed and updated as discussed below.
Essex County Flood and Water Management Team (SuDS) (September 2015 and March and November 2016)	No objection subject to conditions.	Noted, but now outdated by the amendments to the scheme.
Essex County Flood and Water Management Team (SuDS) (October 2018)	<p>No objection subject to the imposition of conditions.</p> <p>Upon request, the consultee has set out their methodology applied to consider the amendments as now submitted and the documents used in reaching this conclusion.</p> <p>Given the outline nature of this application, the detailed layout has not been fixed but the proposals indicate land parcels and associated proposed storm runoff holding drainage features and associated preliminary calculations. A number of checks were applied in the review of the respective SUDs drainage aspects including:</p> <ul style="list-style-type: none"> <li>• site levels and topography;</li> <li>• the hierarchy of discharge from the site including attenuation facilities such as swales, filter strips, basins and swales, permeable pavements;</li> <li>• reviews of existing watercourse surveys and data on existing public sewers to ensure that an outfall is present which in principal could serve the site;</li> <li>• evidence presented within the application was reviewed to confirm</li> </ul>	The commentary of the LLFA and the conditions are set out below and discussed within the body of the report.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>that a solution for limiting discharge rates was available on site and that flows could be retained to respective greenfield rates.</p> <p>Given the outline nature of the drainage proposals it is anticipated that changes to the proposals may occur as the scheme progresses to detailed reserved matters phases. The development and design of these phases can be considered under detailed condition by the LLFA as a statutory consultee if the LPA are minded to grant permission.</p>	
ECC – Economic Growth and Development	<p>The response identifies the requirements set out within the IDP that are set out above. Planning obligations should be secured to deliver these requirements and meet the needs of the development.</p> <p>The precise requirements of the development can only be calculated when the housing mix is fully known.</p> <p>A study of the school site has been undertaken which has identified that it is acceptable.</p>	Noted and discussed within the report.
ECC – Economic Growth and Development (November 2018)	<p>Request the development contributes to the costs identified in the Infrastructure Delivery Plan pro rata to the pupil demand generated by the development.</p> <p>The planning application includes land for the primary school and Early Years and Childcare (EY&amp;C) facilities - a land compliance study has been conducted recommending the school site is accepted subject to a number of detailed design issues being resolved and pre site transfer preparation works being completed by the developer. These could be secured through S106 agreement.</p>	Discussed as relevant within the report and the Heads of Terms at Sections 7 and 31.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water (June 2015 and March 2016)	<p>Advise that there are no assets owned by Anglia Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment area of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>Requests a condition requiring foul water strategy to be submitted and approved by the Local Planning Authority (LPA).</p>	Discussed within the content of the report and the conditions set out below.
Essex & Suffolk Water (E&SW)	<p>Existing apparatus does not appear to be affected by the proposed development [however] the proposed outfall to the Chelmer and Blackwater river systems crosses [E&amp;SW] 45" PSC pipe. E&amp;SW have liaised with Richard Jackson Engineering Consultants over the proposals and E&amp;SW have no objection to the development subject to compliance with their requirements.</p> <p>Condition that water mains are laid in the highway, and a new water connection is made onto E&amp;SW network for each new dwelling / retail / commercial / community unit for revenue purposes.</p>	Covered under other legislation.
Natural England (NE) (June 2015)	<p>The application site is within or in close proximity to a European designated site (Natura 2000 sites); is in close proximity to the Blackwater Estuary Special Protection Area (SPA). The site is also listed as a Ramsar site and is a Site of Special Scientific Interest (SSSI). Further information is required in relation to the impact on these designations.</p> <p>Regard must be had to the Habitats Regulations with the associated assessment being undertaken and advice is provided with respect to this matter.</p> <p>No reference to either provision of or contribution towards the country park</p>	<p>The majority of these points were updated by the February 2016 response following the receipt of additional information.</p> <p>The Habitat Regulations Assessment requirements are discussed within the report.</p> <p>Suitable consideration of protected species has taken place and is discussed within the report above.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>identified during consultation for the Maldon LDP. NE considers the proposed development is likely to lead to an increase in recreational activity in nearby off site locations - the Information for Habitats Regulations document submitted by the applicant identifies that parts of the Blackwater Estuary and Heybridge Basin may be affected.</p> <p>Unless clarification can be provided that further new green infrastructure or improvements to existing facilities would be delivered through the proposed development NE would advise that further assessment is needed on the potential impacts to the Blackwater SPA.</p> <p>NE notes that some of the potential impacts that may arise from the proposal relate to the presence of SPA interest features that are located outside of the site boundary. Advises that the potential for offsite impacts needs to be considered [when] assessing potential impacts the proposal may have on European sites.</p> <p>Natural England standing advice should be applied to assess the impact of the development on protected species.</p> <p>Biodiversity enhancements should be incorporated into the development.</p> <p>It should be demonstrated that the site is not the best or most versatile agricultural land.</p>	<p>This matter can be addressed through the imposition of conditions.</p> <p>It is considered that the allocation of the site as a strategic development site outweighs the loss of agricultural land.</p>
Natural England (February and October 2016)	<p>No objection in terms of the impact on international designated sites discussed above.</p> <p>Conditions are recommended related to the proposed footpaths and rights of way within the site.</p>	<p>Noted and discussed within the report above.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England (November 2018)	<p>No objection subject to appropriate mitigation being secured with respect to RAMS.</p> <p>Set out support for the creation of a new pedestrian route running parallel to the old railway line will provide the same connectivity of routes and is welcomed</p> <p>Also welcomes the draft schedule of potential Heads of Terms, particularly with regards to open space, SuDS and Green Infrastructure.</p> <p>Reiterated confirmation that conditions are required to ensure that the detailed design and phasing of the proposed rights of way improvement (including new permissive footpaths) are submitted for approval prior to the occupation of any dwelling.</p>	<p>A RAMS contribution is included within the S106 Heads of Terms.</p> <p>Comments with respect to public rights of way are noted, which will be incorporated into the development.</p>
Essex Wildlife Trust (EWT) (June 2015)	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>Proposed Green Infrastructure insufficient to prevent ecological isolation of Heybridge Wood;</li> <li>Lack of access provision into the woodland for tractors and other machinery needed to carry out woodland management operations;</li> <li>Concerns regarding the long-term management of the woodland and other green infrastructure;</li> <li>Firm commitment required to make provision for habitat enhancements on adjacent farmland to mitigate for the displacement of specialist farmland bird species from the application site.</li> </ul> <p>The NHGS is located on an environmentally sensitive site that includes Heybridge Wood, which is a designated Local Wildlife Site, Ancient Woodland (PAWS) and Biodiversity Action Plan Priority Habitat (BAP).</p>	<p>These comments are addressed within the report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>EWT have serious concerns regarding the impacts of the proposed development on the future ecological health of Heybridge Wood and the surrounding landscape and wildlife populations. The human population influx will result in a significantly large increase in disturbance and other pressures, while the built structure itself will cause fragmentation and loss of existing habitats and green corridors (mainly hedgerows).</p> <p>The development must incorporate sufficiently generous green linkages to enable ecological functionality and prevent the woodland from becoming isolated from the wider landscape to the north. The currently proposed green corridors radiating out from the woodland are too narrow; for example, the suggested open space leading north from the north-west corner of the wood needs to be substantially increased.</p> <p>A robust management plan needs to be secured [and] the organization / body which will be responsible for practical management and monitoring should be identified. Suitable access into the woodland for vehicles and machinery must be included in the plan.</p> <p>A firm commitment must be included to provide mitigation for displaced farmland birds through Higher Tier enhancements on adjacent farmland.</p>	
Essex Wildlife Trust (October 2018)	<p>The content of the abovementioned objection is repeated on the grounds of ecological isolation and pressures imposed on the Heybridge Wood as a result of the impact of being at the edge of residential development.</p> <p>The submitted woodland management plan is inadequate.</p>	These comments are addressed within the report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency (June and December 2015 and October 2016)	<p>Concerns were initially raised with respect to the adequacy of details with respect to the Water Framework Directive, but this was overcome.</p> <p>The majority of the responses related to the FAS and are therefore of no relevance to the application that is now being considered.</p> <p>No objection was raised on flood risk grounds as the development had followed a sequential approach of ensuring dwellings were on land that is within Flood Zone 1.</p> <p>No objection raised on contamination grounds subject to the imposition of conditions.</p>	All comments noted and discussed above as far as is relevant to the amended application.
Environment Agency (October 2018)	<p>No objection to the proposed development on the grounds of flood risk for the same reason as set out above.</p> <p>It is recommended that biodiversity enhancements are incorporated within the proposed development.</p>	Comments noted and addressed within the report.
NHS England (June 2015 and September 2016)	<p>It has been identified that the development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development.</p> <p>The capital and/or infrastructure required through developer contribution would form a proportion of the required funding for the provision of a new GP surgery to replace the two existing branch surgeries. Assuming this is considered, NHS England would not wish to raise an objection.</p> <p>Following submission of further information:</p> <ol style="list-style-type: none"> <li>1. NHS England are in agreement with the draft Section 106 Heads of Terms revision 4A, subject to paragraph 2 below, which includes mitigation for Primary Healthcare in the form of land provision for a new health facility and a</li> </ol>	This matter is discussed within the body of the report. However, the earlier responses set out here are superseded by the more recent response which is set out below.



Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>capital cost contribution of £340,200. Further details to be discussed and agreed at the appropriate time.</p> <p>2. The land provision should be suitable for the use of a new health facility sized at up to 1,000m<sup>2</sup>, over a maximum of three floors, with site area for adequate car parking, access and ancillary spaces. The allocated land should be agreed with NHS England and cannot be in a flood zone.</p> <p>3. In its capacity as the primary healthcare commissioner, NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.</p> <p>4. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development</p> <p>5. Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.</p>	
NHS England (January 2019)	<p>A new health facility of 1,000 square metres is required on site, with space for parking and associated external facilities. This will be required to be a serviced site.</p> <p>The required financial contribution is now calculated to be £449,643.</p> <p>The healthcare facility should fall within the NHS unless they have first set out that they do not wish to operate at the site.</p> <p>The land must be provided to the NHS on a freehold basis and not a leasehold basis.</p>	<p>Matters relating to this have been raised with the applicant and are due to be responded to in advance of a member's update being prepared.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>The new infrastructure should be provided at the early phases of the development.</p> <p>The residential care facility will be required to provide suitable IT infrastructure to link with local health care providers.</p>	
Essex Waterways (The Inland Waterway Association) (June 2015 and October 2016)	<p>No objection subject to specific planning conditions.</p> <p>The strategic flood infrastructure discharge is into the River Blackwater which forms the Chelmer and Blackwater navigation above Beeleigh Long Weir. The increased water levels from this discharge could have an adverse effect upon the operation and thus survival of the Navigation.</p> <p>Requires a planning condition or S106 requiring that the upper gates to the Beeleigh Flood Lock are re-instated and the lock cills are repaired prior to the operation of the strategic flood relief scheme.</p>	This requirement is no longer considered to be applicable due to the exclusion of the FAS from the development.
Essex Bridleway Association (March 2016)	<p>Disappointed to note increased access is proposed to include only pedestrians and cyclists.</p> <p>At the Masterplan stage in October 2014 [EBA] were assured that bridleways would be included in the new developments planned for Maldon.</p> <p>This particular development has good potential to incorporate multi-user tracks (these should be bridleways as, in reality, they are multi-user tracks) and create a link between the Public Rights of Way (PRoW) north and south of the site and the Rail Trail.</p> <p>A “green corridor” within the landscape buffer zone either side of these roads [should be] allowed to enable access by horse riders and cyclists away from the danger of traffic.</p>	Details of green corridors to be addressed at reserved matters stage. Use of multi-user tracks to be considered where appropriate in accordance with SMF.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Request that equestrian access is considered within the area around the new relief road which is to be used for green infrastructure and flood alleviation measures, and also the area north of the road.</p> <p>The crossing over the relief road should be a Pegasus crossing.</p> <p>It costs no more to a developer to incorporate tracks available for use for all users.</p> <p>Following receipt of further information: It would be beneficial for all users, including equestrians, cyclists and pedestrians, to have a safe off-road leisure route linking both parts of the Rail Trail (a public right of way) ... running from Wickham Bishops to Heybridge.</p> <p>Suggest the section of FP3 which is in the control of the applicant, and is to be diverted, is upgraded to bridleway to link the southern end of the Rail Trail to some way up Maypole Road.</p>	
Essex Bridleway Association (November 2018)	Suggested that the footpath is upgraded to a bridleway and highlights the potential benefits that could arise from the development if cycling and pedestrian opportunities are fully taken.	Comments noted. Footway improvements are proposed as part of the development.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Ramblers Association (February 2016)	<p>The proposed development impacts on 4 public rights of way: FP296_30 leading into 249_3 FP247_19 FP296_17</p> <p>Request any development [allows] continued access to any existing Public Rights of Way (PRoW), both during and following completion of the development. This may require diverting existing routes and developing new routes.</p> <p>Recommends opportunity it taken to enhance the PRoW network.</p>	Addressed within report.
Ramblers Association (October 2018)	The above mentioned advice was repeated.	Noted.
The Office of Communications (OFCOM) (May 2015)	Responded, but with no detailed comments provided as they focus on windfarm development.	N/A
Minerals Planner (ECC)	No response	N/A
Cadent Gas (October 2018)	Their equipment is within the vicinity of the site and they have set out that steps are required to be undertaken by the applicant prior to the commencement of development.	This is not a matter that will affect the determination of the planning application.
Forestry Commission (October 2018)	An appropriate buffer of at least 15 metres should be provided around Heybridge Wood or the green infrastructure within the development should link to Heybridge Wood to provide a buffer.	Noted. A buffer around the wood would be provided.

### 35.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Economic Development Officer (May 2015)	The proposed “Neighbourhood” uses in the mixed use development is noted – no comments at this stage.	Noted.

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Economic Development Officer (May 2015)	No objection as jobs will be created at the site.	Noted.
Emergency Planning Officer (June 2015)	The development is within Flood 1 and considered less vulnerable for all uses.  Advises that residents consider registering with Floodline Direct	Noted.
Emergency Planning Officer (September 2018)	No objection as site is within Flood Zone 1.	Noted.
Tree Officer (June 2015)	<p>Heybridge wood is protected by Tree Preservation Order (TPO) 7/92 and is also a Plantation on Ancient Woodland Site (PAWS), although it has not been actively managed for some time.</p> <p>The impact on the woodland and wildlife [could] be extremely destructive; however, this can be controlled to a degree by the management of the woodland [and] creating dedicated public access in non-sensitive areas.</p> <p>The submitted management plan is comprehensive and identifies a phased program of works. There needs to be a suitable access with suitable hard standing for continued maintenance, timber extraction and safe management of the wood.</p> <p>Require clarification of the person/organization that will be responsible for managing the woods, implementing the plan and ensuring public safety in the years following the completion of the development.</p> <p>There are several species-rich areas surrounding the site which currently connect to Heybridge wood through a network of hedgerows – it is important that Heybridge Wood does not become isolated from other important woods in this part of the district.</p>	The impact on Heybridge Wood is discussed within the report. The reliance on the proposed Woodland Management Plan is noted and will be secured through the Section 106 agreement.

Name of Internal Consultee	Comment	Officer Response
<p>Countryside and Coast Officer (March and November 2016)</p>	<p><u>Landscape and Visual Issues (LVIA)</u> LVIA identifies significant residual negative effects outside the development boundary suggesting additional structural landscape planting is needed to mitigate these or reduction in building heights in discrete areas.</p> <p>A minimum width for the green corridors and landscape buffers should be established through the parameter plans.</p> <p>Further detail is required on the landscape design of the flood alleviation scheme and the road corridor to ensure sufficient width exists to fulfil its green infrastructure role as well.</p> <p><u>Ecology and Biodiversity</u> The EIA judges there will be no significant residual effects on existing biodiversity but emphasizes the importance of the proposed mitigation and enhancements in delivering this.</p> <p>The HRA report emphasises the importance of enhanced green links to the surrounding countryside and effective management of Heybridge Wood in order to minimise recreational impacts on the Blackwater Estuary SPA and SAC.</p> <p>A detailed Green Infrastructure Management Plan including for Heybridge Wood should be secured through Section 106 in order to ensure these proposals can be delivered.</p> <p><u>Sport facilities, Open space and Play</u> Consideration should be given to Sport England's comments.</p> <p>The pitches should be adequately drained to ensure they are usable in the winter months. Ancillary changing facilities, storage and car-parking should be provided.</p>	<p>All matters are addressed within the report above.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>In relation to open space and children's play facilities further evidence is required on how the provision meets our Green Infrastructure and Children's play standards, on the accessibility and functionality of the provision (i.e. children that are remote from the playing fields in the south-east corner of the scheme should have adequate provision for amenity and play space close to their homes if these are in the north-west of the scheme).</p> <p>The NEAP is sited very close to Heybridge Wood in the indicative masterplan and may conflict with biodiversity and landscape aspirations.</p> <p>Following submission of updated information: FAS: Page 3 of the 'Overview of Flood Alleviation Scheme' September 2016 states that the detailed design of the bunds is still to be undertaken. This detailed design should be subject to condition to ensure that any variations, especially of height, width and surface treatment of these features are subject to further scrutiny. Due to the substantial amount of soils and subsoils to be excavated, further details of the methodology of the subsoils / soil excavation, storage and movement should be submitted and subject to condition to ensure this is carried out in a way that minimises disturbance to neighbouring properties, road and footpath users as well as conserving soil health where it is proposed to re-use this onsite for landscape purposes.</p> <p><u>Draft HoT's:</u> Reference to the role of Heybridge Wood as an intrinsic part of the Green Infrastructure network for the new development needs to be incorporated into the Section 106 agreement.</p> <p>A management plan for Heybridge Wood, based on the Advice Note drawn up by</p>	

Name of Internal Consultee	Comment	Officer Response
	<p>EPR Ltd in July 2013, needs to be submitted in advance of approval of Reserved Matters for the first phase of the development, and should demonstrate how the wood will be managed in perpetuity for the benefit of biodiversity and amenity</p> <p><u>Supplemental Design Note:</u> no objection to the supplemental housing units being built, up to a total of 1138 as outlined in the note, provided that:</p> <ul style="list-style-type: none"> <li>• there is no incursion into the area identified in the Green and Blue Infrastructure Parameter Plan,</li> <li>• no loss or further loss of existing features of landscape or biodiversity value such as trees or ditches to be conserved,</li> <li>• no conflict with the criteria for green infrastructure identified through the Design Codes, and</li> <li>• no overall diminution of the indicative green space, play space or proposed green infrastructure within the residential areas as indicated in the original submitted Design and Access Statement (or any supplements)and/or the Design Strategy Heybridge North Relief Road from January 2016.</li> </ul>	
Archaeology	<p>The Environmental Statement (ES) and supporting detail have established the presence of significant known archaeological remains and the potential for further, as yet, undiscovered archaeology. The ES acknowledges that an extensive programme of archaeological mitigation will be required.</p> <p>Seeks pre-commencement condition for a full archaeological condition should consent be granted.</p>	<p>Addressed within report above and conditions set out below.</p>
Environmental Health Team (July 2015 and February, October and November 2016)	<p>No objections in principle subject to conditions to mitigate concerns related to:</p> <ul style="list-style-type: none"> <li>• Noise from the proposed relief road which may cause an adverse effect on existing and proposed residential dwellings.</li> </ul>	<p>Noted and addressed within report with appropriate conditions suggested below.</p>



<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
	<ul style="list-style-type: none"> <li>Noise from proposed non-residential uses that may cause an adverse impact on residential dwellings.</li> <li>Surface water drainage being adequately addressed.</li> <li>Foul water drainage being adequately addressed.</li> <li>Potential contamination from historic land uses being adequately addressed.</li> <li>Air pollution arising from post development increases in road traffic which will contribute to road traffic related air pollution in areas already experiencing elevated levels of Nitrogen Dioxide and the effects of extra traffic generated by the development on local air quality.</li> <li>Light pollution arising from sports pitches at the site if not controlled.</li> <li>Potential impacts from the hours of use of the proposed commercial uses and deliveries to those uses.</li> </ul>	
Environmental Health Team (October 2018)	The comments provided previously remain applicable.	Noted.
Conservation and Urban Design Officer (September 2016)	<p>Applicant's Design Strategy sets out the importance of considering the northern boundary of the NHGS as a defensible boundary between built form and countryside and that a "landscape led approach" has been taken. This design approach underpins the masterplanning principles of Policy S4 (Strategic Growth in Maldon and Heybridge) and the principles set out in the NGHS SMF and provides the necessary infrastructure for flood resilience and a relief road, and creates a green corridor that allows scope for a variety of different landscaped features.</p> <p>The red line boundary of the detailed application contains the flood relief infrastructure, relief road infrastructure and landscape features for each of the key elements of the design strategy for a</p>	See Sections 14, 19 and 20

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>“Green Corridor”, “Infrastructure Corridor” and “Sustainable Corridor”.</p> <p>The red line boundary establishes the widths of the sections. Landscaped elements are “indicative proposals only”.</p> <p>Seeks a condition(s) to ensure these important landscaped elements (i.e. wildflower meadows, acoustic funds, acoustic fences, tree heights, public open space, internal roads, roadside swales, cycle ways and hedges) are substantially in accordance with the Design Strategy that is supplemental to the D&amp;A statement to the detailed application. The section that includes the housing, open space and internal roads should comply with the NHGS Design Codes.</p> <p>The same conditions (as noted above) should be applied to the ‘indicative proposals’ in the "Sustainable Corridor" as these elements are essential for creating wildlife habitats</p>	
<p>Conservation and Urban Design Officer (November 2018)</p>	<p>Concerns were raised over uncertainties in relation to the housing mix as this will affect the ability to deliver the development in accordance with the Garden Suburb principles as set out within policies S3 and S4 of the LDP.</p> <p>The location of the residential care home and the second early years care facilities should be outside the residential areas as taking this land up with theses uses will result in the density increasing.</p> <p>The proposed SUDs features should not dominate the public open space. Care should be had to ensure that the gradients of the SUDs features are adequate to enable the open space areas to be used by all groups of society.</p> <p>It will not be possible to deliver the Design Codes that have been previously agreed and there will therefore be contrast between</p>	<p>These comments are noted and mostly addressed within the above report.</p> <p>The gradients of the SUDs features are a matter of detailed design that will be addressed at reserved matters stage.</p>

Name of Internal Consultee	Comment	Officer Response
	this part of the NHGS and the other areas that are being built by other developers who are complying with the Design Codes.	
Strategic Housing Services (November 2016)	The Council's Strategic Housing Service supported the application that sought to provide 15.5% affordable homes on the grounds that the viability of development was a material consideration and provided that there was also an agreement with the applicant to seek to improve this through future reviews.	Whilst agreement was previously reached, it is noted that the proposal is now materially different in respect of affordable housing provision, rendering these earlier comments largely irrelevant.
Strategic Housing Services (February 2018)	<p>The amount of affordable housing proposed is acceptable and the affordable housing mix is generally acceptable but is subject to on-going discussions with respect to the detail of the affordable housing mix, with the preference of the Council having recently been set out to the applicant. The affordable requirement includes 0.4 of a unit which should be provided for in the form of a commuted sum.</p> <p>It is advised that the proposed affordable housing should appear as good, if not better than the open-market housing.</p>	The comments are noted and addressed within the report. The design element of the comments will be part of the assessment of any forthcoming reserved matters application.
Waste and Street Scene Manager	There is currently insufficient information to enable detailed consideration but the Design Guide for Planning and Waste Management should be followed in future submissions.	Noted. Conditions are suggested to address this matter as far as possible at outline stage.
Planning Policy Team (November 2018)	Following a detailed assessment of the proposal it is set out that <i>"Having reviewed the application against the LDP, Master Plan and considered the implications of the 5YHLS, there is no policy reason as to why the development should not receive planning permission."</i>	Noted and the detailed elements of the assessment have been incorporated into the abovementioned report.

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

35.4.1 78 letters were received **objecting** to the application for the reasons summarised as set out in the table below:

Objection Comment	Officer Response
<b>Principle</b>	
The justification for development targets and a five year local land supply as a means of arresting the source of	See Section 5, 6 and 11 of the report

<b>Objection Comment</b>	<b>Officer Response</b>
Heybridge's flooding problem is difficult to balance.	
The Heybridge and Maldon area are not the place for such large-scale development as major housing developments will considerably change Maldon's heritage as an historic market town	See Section 5 and 6 of the report
The LDP shows privately owned land as part of the proposed development area [namely] 4 properties in Wood Lane, Heybridge.	The planning application does not propose development on the land in question
Maldon promotes itself as a tourist destination with countryside heritage - building on green belt land is wrong.	There is no Green Belt in the Maldon District. See Section 5 f the report
Maldon District Council does not have a valid document upon which the merits of the development can be judged.	This is an early comment, the Council now has an approved LDP that allocates the site for development.
As LDP was rejected and found unsound the application should be judged against Local Plan 2005 which does not identify this land for development.	This is an early comment, the Council now has an approved LDP that allocates the site for development.
Since there is no LDP there cannot be any grants or section 106 agreements.	This is not correct and the Council now has an approved Local Development Plan that allocates the site for development.
Due to the scale of the NHGS it will subsume the existing settlement of Heybridge [and is] a disproportionate enlargement of an already urban area.	See Sections 5 and 6 of the report. The site is allocated for development of this scale within the Approved LDP
Developments of this size should be located near to the Crouch Valley Railway line which has good rail links to London.	See Sections 5 and 13 of the report. The site has been allocated as the appropriate location for this scale of development in the Approved LDP
This estate accounts for 25% of the assessed housing need for the district up to 2029 - the burden and benefit of development should be spread in an equitable manner across the district.	See Sections 5 and 6 of the report. The site is allocated for development of this scale within the Approved LDP
Organic growth of existing settlements would be more appropriate than this blot on the landscape.	See Sections 5 and 14 of the report. The site is allocated for development of this scale within the Approved LDP
There are brownfield sites in Maldon District that could be used instead of building on farm land.	The site is allocated for development of this scale within the Approved LDP. There are no brownfield sites of this scale.
Building around Heybridge Wood has been considered twice before and been thrown out by the inspector.	The site is allocated for development of this scale within the Approved LDP.
The proposal for the land between Broad Street Green and Langford Road will turn Langford into an extension of Heybridge	There would be clear and defendable separation between the proposd Garden

<b>Objection Comment</b>	<b>Officer Response</b>
– Langford will lose its identity as a separate village.	Suburb and the village of Langford – this is not considered an issue.
Building this volume of infrastructure on this land will set a precedent for building on green belt land in the future.	No Green Belt land in this District but the effect of developing the Garden Suburbs is to protect the rural parts of the District from unsolicited development.
The [development] is sited on prime agricultural land in a rural area.	No objections on this basis.
The section 106 agreement for the planned infrastructure is not legally enforceable.	If a S106 agreement is not complied with legal action can be taken to enforce its clauses.
The scheme should be located nearer the A12 and Chelmsford railway.	See Sections 5 and 13 of the report. The site has been allocated as the appropriate location for this scale of development in the Approved LDP
*This application should not be heard for decision by the Council until the Council's LDP in full has been presented to the Planning Inspector who [will] determine if the plan is sound or otherwise.	This is an early comment, the Council now has an approved LDP that allocates the site for development.
<b>Impact on Residential Amenity</b>	
Privacy could be affected	See Section 17 of the report
If houses are more than 2 storeys high would give increased likelihood of [some] gardens being overlooked.	See Section 17 of the report
My property will be overlooked and a brick wall next to my house will block out the light.	See Section 17 of the report
Boundary treatment and distances from existing dwellings ought to be an important consideration.	This will be dealt with at Reserved Matters stage. The Council seeks to apply the standards referenced in the Essex Design Guide and the MDDG but this will also form a part of the Reserved Matters
The proposal will place our property in a triangle of traffic, with a trunk road running behind, to the side and front of our property.	See Sections 17 and 23 of the report
<b>Traffic / Road Design</b>	
The bypass does not connect well with the existing western bypass.	See Section 13 of the report
Merging existing traffic and the extra traffic to one road would cause much congestion at Langford, Ulting and Hatfield Peverel.	See Section 13 of the report
Existing and new residents will [have] the problems of an inadequate road network.	See Section 13 of the report
No roundabout on the proposed relief road where it crosses Maypole Road – the	See Section 13 of the report

<b>Objection Comment</b>	<b>Officer Response</b>
'dog-leg' junction will cause delays, frustrations and probable accidents.	
A straighter route, and less tortuous, would be from Maypole Road through Wickham Bishops to Witham and onto the A12.	The design of the Relief road was undertaken in conjunction with the Highway Authority.
Measures are required to improve the flow of traffic through Heybridge [as] congestion arises from the slightest disruption – vehicular movements arising from the new development will inevitably need to use this local route.	The new Relief Road will reduce traffic flows through Heybridge by providing a less impeded alternative route.
The belief that there will be significant displacement of traffic to the new relief road makes certain assumptions [and] will not address the real problem of getting in and out of the district.	See Section 13 of the report
Maldon does not have a railway and there are no main roads to A12.	The site is allocated for development and the infrastructure requirements of the District are being addressed as far as possible.
Object to the proposal to build a road across to Langford Road.	This junction is considered the best solution to link the relief road into the existing road network.
Plans [suggest] road speed will vary from 50mph to 30mph to 40mph and is more likely to be 50mph throughout on country roads that were not built for heavy traffic.	This is a matter for the Highway Authority.
The Transport Assessment April 2015 appears to justify significantly increased congestion on the basis that it would only be slightly more than the predicted congestion for 2026 without the developments.	No objections are raised by the Highway Authority.
This number of people with cars would ruin our lovely historic town.	The VPD acknowledge and allow for car ownership
*Essex County Highways have not produced informative information on how to alleviate the present congestion on Heybridge roads.	The new Relief Road will reduce traffic flows through Heybridge by providing a less impeded alternative route.
Heybridge does not have the infrastructure/road capacity to cope with such a large influx of people.	The development would incorporate the necessary infrastructure to support it.
The only routes to the main railways experience queues of traffic at peak times without imposing another approx. 2,000 cars on them.	No objections are raised by the Highway Authority.
Holloway Road has a weight limitation of 7.5tons – how can you justify using it for deliveries of heavy goods vehicles to large building sites.	A new haul road would be constructed as part of the first phase of the development

<b>Objection Comment</b>	<b>Officer Response</b>
<b>Wood Lane</b>	
Wood Lane is a footpath with private vehicular access only. Concerned that Wood Lane would be used [as access] to the sports pitches.	See section 19 of the report. Access along a private right of way is a civil matter.
<b>Healthcare</b>	
The already stretched capacity within GP practices and secondary school facilities would be further compromised.	See Section 9 of the report
<b>Education</b>	
The schools are not in a position to expand much further.	See Section 7 of the report
<b>Impact on Retail</b>	
Difficulty in crossing the relief road will lead to residents shopping in Witham.	There is no requirement to cross the Relief Road to access Maldon.
There is a sufficient retail area in Maldon and Heybridge – do not need more to blight the countryside.	The proposed Local Centre would only provide facilities for local needs and would not compete with Maldon & Heybridge.
<b>Noise</b>	
A higher density development will increase noise levels.	See Section 23 of the report.
Multi-use sports pitches are proposed adjacent to Wood Lane. [They will create] noise levels on a weekend if used for football. The land adjacent to Wood Lane should be used for cricket or a 15m buffer of dense shrubs and trees should be planted to absorb noise levels.	Noted, see Sections 19 and 23 of the report
There is no consideration for the noise impacts on the five properties to the west of Maypole Road.	See Section 23 of the report
Assurance was given during the consultation period that the land between Langford Road up to Maypole Road would be infilled with noise reduction vegetation and most likely be used as an open parkland, not left out of the development as open space for future development of greenbelt land.	This land is not within the ownership of the applicant and is not a reasonable requirement of the development
<b>Light pollution</b>	
Noise, light and emission levels will be totally unacceptable - street lights will be on throughout the night and light pollution will be intolerable.	Issues relating to light pollution can be mitigated to some degree and would be dealt with at Reserved Matter stage.
<b>Flooding and Attenuation Ponds</b>	
The green space is needed to maintain and protect [the] countryside from flooding.	This is agreed and discussed at Section 11 of the report.

Objection Comment	Officer Response
Layout and composition of land is unsuitable for type of Flood Alleviation Scheme proposed which is ‘over-engineered’.	The surface water management proposals and attenuation have changed substantially since this comment was made.
* Issues with attenuation ponds: Anaerobic conditions can occur without regular inflow; colonization by invasive species, inlet / outlet cleaning, vegetation management, sediment monitoring could increase maintenance costs; settlement of solids can change capacity and efficiency; removal of debris could cause difficulties and expense; settlement of particulate pollutants could be a problem.	The Environment Agency has not objected to the development.
* The proposed 3 ponds north of the bypass road are the most unreliable form of partial flood alleviation.	The surface water management measures now proposed have been found acceptable by the relevant consultees.
*The SUDS system will evacuate into existing drainage systems, an unacceptable and very inefficient, unsafe system.	See Section 11 of the report. The surface water management measures now proposed have been found acceptable by the relevant consultees.
Parts of Heybridge already suffer from flooding and much of the area for proposed development is in a flood-risk zone	See Section 11 of the report. The surface water management measures now proposed are expected to not make matters worse and in some respects provide an improvement.
The proposed Flood Alleviation Scheme (FAS) is not in the right place to protect Holloway Road and the surrounding houses from surface water flooding - there is no FAS where all the new houses are proposed	The surface water management measures now proposed have been found acceptable by the relevant consultees and will not increase flood risk off site.
The FAS appears to increase flood risk to many properties, including heritage assets, as a result of a potential dam breach of the planned new reservoir. This risk is not properly evaluated in the Environment Statement (pp13 – 30). The NPPF is clear that development in areas at risk from flooding should be avoided but where development is necessary it must be made safe “without increasing flood risk elsewhere”. The application is therefore in breach of the NPPF	The FAS is no longer proposed. The surface water management measures now proposed have been found acceptable by the relevant consultees and will not increase flood risk off site.
The sewage system is already overloaded and the periodic flooding problem has not been properly addressed.	The statutory consultee has advised that adequate capacity exists.
*It seems that development will be welcomed by the Council prior to a Flood Alleviation Scheme (FAS) being installed. The Environment Agency,	The FAS is no longer proposed. The surface water management measures now proposed have been found acceptable by the relevant



<b>Objection Comment</b>	<b>Officer Response</b>
during production of the LDP, advised that a FAS should be installed prior to any development on the land.	consultees and will not increase flood risk off site.
The FAS and location of the three ponds does not seem safe and practical especially when a 3.9m retaining construction is shown at the exit of the last pond.	The FAS is no longer proposed. The surface water management measures now proposed have been found acceptable by the relevant consultees and will not increase flood risk off site.
There is a much safer and more economical way of ensuring a safe and efficient flood alleviation scheme to protect Heybridge.	See Section 11 of this report.
Have been advised that the proposed FAS 'should' make Heybridge safe from flooding – this is far from acceptable.	The FAS is no longer proposed. The surface water management measures now proposed have been found acceptable by the relevant consultees and will not increase flood risk off site.
<b>Ecology</b>	
The land is farmed and is productive.	Noted but the site is allocated for strategic development.
The [development] would greatly impact negatively on the visual approach to Maldon.	See Section 14 of the report.
The green buffer [should] be extended to afford more privacy and reduction of noise.	See Section 23 of the report.
Will have significant adverse impact on Langford as parts of it are a conservation area.	See Sections 14 and 15 of the report.
The proposed development would in a short space of time cause the demise of the ancient Heybridge Wood	See Section 20 of the report.
The Environmental Impact Assessment (table 8.5) accepts that in every category of character there will be a significant adverse, long term irreversible impact brought about by NHGS.	This is not the conclusion of the EIA, but is addressed within the report.
Animals travel across the farmland and will be trapped in the woodland area and be getting into people's gardens.	See Section 20 of the report. Linkages with the surrounding area and the provision of buffer areas is part of the proposed scheme.
<b>Other</b>	
A development of this size [should be] where rail links are available and [a] closer easier access to better road networks.	See Section 13 of the report.
The area surrounding Heybridge Wood is more suitable for the proposed country park (HGS).	See Section 20 of the report. The provision of buffer areas is part of the proposed scheme.
The application has too many "unknowns".	No comment.

<b>Objection Comment</b>	<b>Officer Response</b>
There is no employment for this number of people in the Maldon District so they would have to commute to work [as] there is no railway within 6 miles and no prospect of a suitable bus service. There would be gridlock and chaos spreading out as far as the A12.	See Section 13 of the report.
Maldon and Heybridge do not have a lot of jobs to offer – the development size would suggest a need for at least 1,000 extra jobs. [It would] create mass unemployment in the area and those that do work will invariably commute to London, imposing a huge strain on already overcrowded roads.	The LDP allocates land for a mixture of uses including employment land as well as land on which residential development is expected with the aim of creating a balanced community.
There are alleged plans for a primary school – doubt if it would cope with the likely number of children.	See Section 7 of the report.
Have been promised a primary school before – where will the children go to secondary school. Expanding the Plume would render it soulless. We need provision for a further secondary school	See Section 7 of the report.
Medical facilities – the surgeries for Maldon have closed their books.	See Section 9 of the report.
There are too many basic problems involved which will be a factor in the pricing making the purchase out of financial reach for many local young people.	The proposed development would provide a mix of housing that is discussed at Section 6 of the report.
The number of dwellings has increased from 800 to 1138. It is hoped the number of affordable homes are increased accordingly.	The proposed development would provide a mix of housing that is discussed at Section 6 of the report.
<b>Ring Road</b>	
The map of the ring road received by the council on 29 January 2016 shows the ring road as having a speed limit of 50mph. Earlier information showed the ring road to have a speed limit of 40mph. Consider it essential that a 40mph limit is imposed [on the ring road] from the outset.	The speed limit has been in consultation with the Highway Authority.
Vehicles coming east on the ring road, and wishing to turn left at the proposed roundabout, will often be immediately confronted by stationary residential traffic attempting to turn right into their driveways.	No objections are raised by the Highway Authority.

<b>Objection Comment</b>	<b>Officer Response</b>
At peak times there will also be south and westbound traffic backed up from the proposed roundabout, blocking access to residents properties. This represents a severe extra accident risk.	No objections are raised by the Highway Authority.
Vehicle access to No.s 75 & 77 Broad Street Green would be very difficult – [they] would need to [reverse] on the approach bend of the roundabout access road, which at ‘peak’ times will have stationary backed up traffic on it. This represents a severe extra accident risk.	No objections are raised by the Highway Authority.
A suitable solution might be to move the roundabout 100m further into the field.  This would also reduce noise and exhaust pollution levels for the residents.	The Relief Road and associated junctions were designed in consultation with the Highway Authority
<b>Flooding</b>	
The area of Heybridge lies on gravels which lie on top of impermeable clays which do not hold water. Where these intersect springs forms [and] there several in Heybridge. The land in question requires considerable consideration for large scale developments.	See Section 11 of the report.
<b>Heybridge Woods</b>	
Heybridge Wood is designated as a Local Wildlife Site ref: Ma49. Whilst this designation does not give the site legal protection, it does ensure the site is a material consideration in the determination of any planning application. As an ancient woodland the site should be considered as an irreplaceable habitat. Planning permission should be refused unless the need for, or the benefits of, the development in that location clearly outweigh the loss.	See Section 20 of the report.

\* Comments from D Benson – Heybridge Residents Association

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

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

Appropriate contributions towards the following strategic infrastructure to support the delivery of the North Heybridge Garden Suburb (note that costs are estimates within the Infrastructure Delivery Plan, and are subject to final agreement within the Section 106 (S106) agreement):

**Highways:**

- Provision of the North Heybridge Relief Road

**Public Transport:**

- Contribution to Public Transport Improvements

**Travel Plan:**

- Residential travel plan
- Residential travel information packs
- Travel Plan monitoring fee

**Education:**

- 56 place EY&C facility (within Primary School)
- 56 place EY&C facility stand alone (Commercial)
- Primary school
- Secondary school Plume Lower School
- Secondary school Plume Upper School

**Youth and Children's Facilities:**

- Teen shelters, skateboard facilities, access to shared community facilities to serve Heybridge
- NEAPS and LEAPS

**Health:**

- Medical facilities to serve North Heybridge

**Green infrastructure:**

- Allotments to serve North Heybridge
- Sports pitches and pavilion
- Open space to be provided in accordance with phasing plan
- Management of all green and blue infrastructure by management company

**Affordable Housing:**

- 30% scheme wide.

**Other:**

- Details of the management of Heybridge Wood.

**CONDITIONS:**

1. The elements of the development for which full planning permission is hereby granted (the relief road and utility infrastructure) shall begin no later than three years from the date of this decision.

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

2. The elements of the development for which full planning permission is hereby granted (the relief road and the substations) shall be carried out in complete accordance with the following approved drawings:

- CPMALDON.1/01J (Relief Road Overview)
- CPMALDON.1/02G (Langford Road Roundabout)
- CPMALDON.1/03F (Staggered Priority Junction Arrangement)
- CPMALDON.1/04E (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-010A - Substation Location Plan
- TC-STD-G-PRI gas governor
- TC-STD-SS-01 brick built electricity substation

REASON To ensure the development complies with the application as approved and policies S3, S4, D1, T1, T2 and I1 of the approved Maldon District Local Development Plan, the endorsed north Heybridge Garden Suburb Strategic Masterplan Framework, National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).

3. For all elements of the development other than those for which full planning permission have been granted (the relief road and the utility infrastructure) details of the access, layout, scale, appearance and landscaping of the site (hereinafter referred to as the Reserved Matters) shall be submitted to the Local Planning Authority. No development within any part of the application site (other than preliminary ground works, or any works connected to the construction of the utility infrastructure or highway works specified in the approved plans listed at Condition 2) shall commence until approval of the details of the reserved matters for that part of the application site have been approved in writing by the Local Planning Authority. The development shall be carried out as approved.

REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

4. The first application for approval of reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.  
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
5. Application for approval of the last of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.  
REASON To reflect the extent of development and the duration of the proposed development as a divergence from Section 92 of the Town & Country Planning Act 1990 (as amended).
6. Any part of the development for which all reserved matters have been approved shall commence within two years of the date of the approval of the last of those reserved matters.  
REASON To ensure that the development is brought forward in a timely manner in accordance with Section 92(4) of the Town & Country Planning Act 1990 (as amended).
7. Prior to or concurrent with the submission of the first of the reserved matters application(s) for the site, a Strategic Phasing Plan, which accords with the triggers in the S106 accompanying this application for the provision of infrastructure and which covers the entire application site, shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Phasing Plan shall include the proposed sequence of provision of the following elements:
  - a) The Relief Road with associated junctions at Langford Road, Maypole Road and Broad Street Green Road;
  - b) The utility infrastructure hereby approved.
  - c) The principal phases of both residential and non-residential uses and the means by which vehicular access to each phase will be achieved;
  - d) All residential development;
  - e) The Local Centre;
  - f) Education facilities;
  - g) The green infrastructure, including the sequencing of play space, playing pitch, youth facilities and allotment provision;
  - h) Strategic footpath and cycleway provision/crossings (both on and off-site) in accordance with the Access and Movement Parameter Plan.
  - i) The phasing of strategic foul and surface water features, including Sustainable Drainage System (SUDs);
  - j) Structural landscaping/planting provisions;
  - k) Environmental mitigation measures;
  - l) The acoustic barrier south of the Relief Road

The development shall be implemented in accordance with the approved Strategic Phasing Plan, unless a revised phasing plan is otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

REASON To clarify how the site is to be phased to assist with the determination of subsequent reserved matters applications and in order to ensure that major infrastructure provision and environmental mitigation is provided in time to cater for the needs and impacts arising out of the development. In accordance with policies S1, S2, S3, S4, D1, D2, D5, E2, E3, E6, H1, H2, H3, N1, N3, T1, T2 and I1 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, the NPPF and the NPPG.

8. The development hereby approved shall be carried out in accordance with the following approved plans:
  - 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev Q)
  - 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev P)
  - 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev Q)
  - 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev V)
  - 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev O)

REASON To ensure that the reserved matters accord with these approved plans and policies S3, S4 D1, D5, N1, N3, T1, T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
9. Prior to the submission of any reserved matters applications, a Strategic Design Code for the application site shall be submitted to and approved in writing by the Local Planning Authority. The submission of any reserved matters application shall accord with the Strategic Design Codes approved by the Local Planning Authority and will take full account of the principles of the approved North Heybridge Garden Suburb Strategic Masterplan Framework.

REASON To ensure high quality design and coordinated development in accordance with policies I1, S2, S3, S4, D1, D2, D5, N1, N3, T1, T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
10. No development within any phase (as defined on the Strategic Phasing Plan to be approved pursuant to Condition 7) shall commence until a Construction Environmental Management Plan (CEMP) for that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a Statement proposed in the Environmental Statement submitted with the application and shall include the consideration of the following aspects of construction:
  - a) Indicative construction and phasing programme for that phase.
  - b) Details of the location of the construction compound with boundary / security details, any temporary buildings/offices, storage areas /

compounds, plant, equipment, external lighting arrangements, materials storage screening and hoarding details.

- c) Construction hours and delivery times for construction purposes.
- d) Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of the reuse of waste, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use 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) Pollution Management Plan to include details of measures to be taken during the construction period to protect wildlife, habitats and hydrology; an ecological survey; an investigation and monitoring scheme to oversee and direct construction works; and details of soil handling, storage and restoration, dust management and wheel washing measures.
- f) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
- g) Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding.
- h) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highway alignment, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the safe guarding of the Public Rights of Way during construction.

The details of the CEMP as agreed shall be implemented prior to any development commencing within the phase of the development to which it relates and shall remain in force for the duration of the construction period of that phase of the development. All construction infrastructure shall be removed from the site within three months of completion of corresponding phase of the development.

REASON To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers, highway users and safety, ecology and biodiversity and rural countryside in accordance with policies D1, D2, D5, N2, T2 of the Approved Maldon District Local Development Plan, the NPPF and PPG.

11. Prior to the occupation of the 100th dwelling the Relief Road shall be fully implemented and opened to the public from Langford Road to Maypole Road in accordance with the approved plans.

REASON To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, and the NPPF and PPG.



12. Prior to the occupation of the 350th dwelling the Relief Road shall be fully implemented and opened to the public between Langford Road and Broad Street Green Road including all associated access, junctions and crossing points in accordance with the approved plans.  
REASON To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Suburb Strategic Masterplan Framework, and the NPPF and PPG.
13. Prior to the completion of the Relief Road, details shall be submitted to and approved in writing by the Local Planning Authority for
- (a) a scheme of monitoring of the traffic conditions on Maypole Road between Holloway Road and the junction of Maypole Road with the Relief Road; and
  - (b) details of a scheme to provide priority for buses along Maypole Road south of the Relief Road, to be delivered within the highway boundary.
- REASON To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, and the NPPF and PPG.
14. The agreed monitoring scheme agreed pursuant to Condition 13 shall not commence within prior to the Relief Road being completed and open to the public. The monitoring data shall be submitted to the Local Planning Authority and Essex County Council in its capacity as Highway Authority within 3 months of the completion of the monitoring period.
- No more than 500 dwellings shall be occupied until the Local Planning Authority have confirmed in writing as to whether the scheme approved pursuant to Condition 13 is required to be implemented. If that notice requires implementation then no more than 600 residential units shall be occupied until the scheme approved pursuant to Condition 13 has been implemented in full.  
REASON To ensure essential highway infrastructure improvements are implemented and in the interests of highway safety in accordance with policies I1, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Suburb Strategic masterplan Framework, and the NPPF and PPG.
15. Any reserved matters applications submitted relating to access, where a highway within that phase is to include a bus stop (as specified within any Public Transport Strategy that is agreed pursuant to the Section 106 agreement that relates to the permission hereby granted), shall include full details of the bus stop that is to be provided and details of the timing of the provision of the bus stop. The provision of the bus stop infrastructure within the application site shall include but is not limited to the following:
- Details of raised height kerbs and shelters;
  - Real time passenger information signs;

- Bus routes to have a minimum carriageway width of 6.75 metres.  
REASON To ensure additional public transport improvements are made for the benefit of all occupiers and users to the North Heybridge Garden Suburb in accordance with policies S3, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
16. Any reserved matters application detailing the layout of the development 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 number PRM-03 Rev M 'Design Parameter Plan – Access and Movement. The cycle routes shall be appropriately hard surfaced and, where provided as a separate dedicated 'off carriageway' route, shall have a minimum width of 3m or 3.5m minimum if there is a shared use provision with a footway. The pedestrian and cycle routes shall be implemented in accordance with the approved scheme.  
REASON To ensure provision of pedestrian and cycle routes and to promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
  17. Prior to first occupation of any dwelling within the proposed development, a residential travel plan shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be implemented for a period commencing from the first occupation of any dwelling at the application site and ending 1 year after the occupation of the 1,100<sup>th</sup> dwelling at the application site or some other time period as may be agreed in writing by the Local Planning Authority.  
REASON To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
  18. Upon the first occupation of each dwelling, a Residential Travel Information Pack (Pack) for sustainable transport shall be provided for that dwelling, such Pack shall include free travel vouchers for use with the relevant local public transport operator with the details of such Pack first having been submitted to and approved by the Local Planning Authority prior to the occupation of the first dwelling.  
REASON To promote sustainable modes of transport in accordance with policies S3, S4, D1, T1 and T2 of the Approved Maldon District Submission Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
  19. 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 site the parking areas relating to that dwelling/building shall be constructed, surfaced, laid out and made available

for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON To ensure that all types of vehicle parking are provided in accordance with policy T2 of the Approved Maldon District Local Development, the adopted Maldon District Vehicle Parking Standards, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

20. 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 facilities for that dwelling / building shall be provided in accordance with the approved details and shall thereafter be retained and shall not be used for any other purpose  
REASON To ensure appropriate provision for the secure storage of bicycles in accordance with policy T2 of the Approved Maldon District Local Development Plan, the adopted Maldon District Vehicle Parking Standards, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.
21. Prior to or concurrently with the submission of any application for reserved matters approval for the Local Centre, as coloured red on the approved 'Design Parameter Plan - Land Use', details of the distribution and size of all units within the Local Centre for use within 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 size, mix and distribution.  
REASON To ensure that the Local Centre provides an appropriate range of facilities and services required by the development in accordance with policies I1, S3, S4, D1, D2, E1, E2, E3, E6 and T2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.
22. The hours of use for any units falling within 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, as coloured red on the approved 'Design Parameter Plan - Land Use', shall take place between:  
Monday to Saturday .....07:00 to 23:00 hours  
Sundays and Bank Holidays.....10:00 to 17:00 hours  
REASON To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
23. Deliveries to and collections from any units falling within 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, as coloured red on the 'Design Parameter Plan - Land Use', shall take place between:  
Monday to Saturday .....07:30 to 19:00 hours

Sundays and Bank Holidays.....None

REASON To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

24. No development of the commercial units within the Local Centre shall commence until details of the means of commercial refuse/recycling storage, including details of any bin stores to be provided, have been submitted to and approved in writing by the Local Planning Authority for any units falling within 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, as coloured red on the approved 'Design Parameter Plan - Land Use'. The commercial refuse/recycling storage shall be carried out in accordance with the agreed details and shall be provided prior to the first occupation of the commercial units within the Local Centre and retained for such purposes at all times thereafter.

REASON To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

25. No installation of any extract ventilation system, compressors, generators, refrigeration equipment, or any other fixed plant shall be installed to any building within the Local Centre (as coloured red on the design parameter plans unless the details of such equipment have been submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the location of equipment, acoustic housing and any vibration isolation measures, together with projected noise levels at the boundary of the property.

Only the details as agreed shall be installed and shall be maintained for the duration of its usage thereafter.

REASON To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

26. The rating level resulting from any amplified sound used within any units falling within Classes A3, A4, A5 and D1 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) shall not exceed the background noise level when measured in accordance with British Standard BS4182:2014, at a point one metre from the external façade of the nearest noise sensitive receptor.

REASON To protect the amenity of nearby properties in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

27. Prior to or concurrently with the submission of the first reserved matters application(s) a Strategic Management and Maintenance Plan for the entire Strategic Green Infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. This information shall include:

- a) details of who will be responsible for the management and maintenance of the entire Green Infrastructure and Blue infrastructure as defined by

the Green and Blue Infrastructure Parameter Plan including broad long-term design objectives:

- b) as far as is relevant to the Strategic Green and Blue Infrastructure as defined by the Green and Blue Infrastructure Parameter Plan, an explanation of planting design objectives; planting, grass cutting, weeding and pruning schedules; inspection, repair and maintenance details relating to hard landscaping (including tracks, paths, boundary treatment, play equipment, street furniture; litter picking, etc.); a programme of management activities and monitoring and operational restrictions; a maintenance programme for the establishment period of the planting and existing remaining planting for trees and hedgerows (the first five years after planting);
- c) a maintenance programme of the upkeep of all youth and teen facilities, and playspace equipment associated with the Local Equipped Areas of Play (LEAP), the Neighbourhood Equipped Area of Play (NEAP) and any other area of play, and for the pavilion, and for the sports playing pitches and surrounding field areas;
- d) details of who will be responsible for the management and maintenance of allotments.

The Strategic Management and Maintenance Plan for the entire Green Infrastructure shall be implemented as approved in accordance with the Strategic Phasing Plan, unless otherwise varied in writing by Local Planning Authority, and shall remain in place in perpetuity.

REASON To ensure satisfactory arrangements are in place to ensure the proper management and maintenance of the entire Green Infrastructure in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Approved Maldon District Approved Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

28. Any reserved matters application made pursuant to this approval seeking the approval of landscaping details required by Condition 3 shall include a detailed landscape 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 stated within the submitted Design Strategy for the North Heybridge Relief Road. The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the Design Codes approved pursuant to condition 9 of the permission hereby granted. The landscape designs and specifications for that reserved matters site shall include the following:

Soft Landscaping

- 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 time of planting. The planting plan shall use botanic names to avoid misinterpretation. The plans should include a full schedule of plants.

- b) Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- c) The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.
- d) A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) 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 / 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 timing of works.

#### Hard Landscaping

- 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 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- 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.

The landscaping within the reserved matters site areas shall be implemented in accordance with the approved landscape designs and specifications and the schedule for the implementation of the proposed works approved pursuant to this condition unless an alternative programme for provision is agreed in writing by the Local Planning Authority.

REASON In the interests of the amenity of future residents and users of the North Heybridge Garden Suburb and to ensure the Garden Suburb principles are carried out and in the interests of protecting the neighbouring open countryside in accordance with policies I1, S3, S4, D1, N1, N2, N3 of the Approved Maldon District Local Development Plan, the endorsed North

Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

29. No trees or hedgerows within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the Local Planning Authority. No development shall commence within any reserved matters area until information relating to that reserved matters area has been submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Tree / hedgerow survey detailing works required;
  - Trees / hedgerow to be retained / retained;
  - Tree retention protection plan;
  - Tree constraints plan;
  - Arboricultural implication assessment;
  - Arboricultural method statement (including drainage service runs and construction of hard surfaces);
  - Trees offsite.

No development in any reserved matters area shall commence until fencing and ground protection to protect the retained trees within that reserved matters area shall be erected, details to be submitted and approved as per BS5837:2012, and ground protection has been erected details of which shall have been submitted to the Local Planning Authority for written approval. The ground protection shall be laid as per the Arboricultural method statement in accordance with British Standard BS5837:2012 (Trees in relation to construction) unless otherwise agreed in writing. The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

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.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

30. 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 as those originally planted, unless the Local Planning Authority gives written consent to any variation.

REASON: To secure the retention of appropriate landscaping of the site in the interests of visual amenity, the character of the area and for biodiversity value in accordance with policies S3, D1, N1 and N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

31. No development within a site for which reserved matters approval is sought shall take place 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 which pass underneath 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. The development of the reserved matters site shall be carried out in accordance with the approved details.

REASON In the interests of visual amenity and safeguarding trees that are worthy of retention in accordance with policies S3, D1, N1 and N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

32. 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 unless otherwise approved as part of the reserved matters approvals.

REASON In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements in accordance with Garden Suburb principles as detailed in the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and in accordance with policies S3 and D1 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

33. Prior to or concurrently with the submission of the first of the reserved matters application(s) within any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 7), an Ecological Conservation Management Plan (ECMP) for that Phase shall be submitted to the Local Planning Authority for approval. The Plan shall accord with and give effect to the principles for such a Plan proposed in the Environmental Statement submitted with the application. The Plan shall set out the measures proposed for protecting the net biodiversity of the site as a result of development and shall include:

- a) Contractor responsibilities, procedures and requirements.
- b) Full details of appropriate habitat and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity.
- c) Details of measures to ensure protection and suitable mitigation to all legally protected species and those habitats and species identified as being of importance to biodiversity both during construction and post development, including consideration and avoidance of sensitive stages



of species life cycles, such as the bird breeding season, protective fencing and phasing of works to ensure the provision of advanced habitat areas and minimise disturbance of existing features.

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

No development within any phase shall commence until such time as the Ecological Conservation Management Plan has been approved in writing by the Local Planning Authority. All species and habitat protection, enhancement, restoration and creation measures shall be carried out in accordance with the approved Ecological Conservation Management Plan.

REASON To ensure that the development of the site conserves and enhances ecology in accordance with policy N2 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

- 34 No development of playing field provision 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 which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that 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 with grass and sports turf establishment and a programme of implementation.
  - (iii) a noise impact assessment relating to the use of the playing pitches detailing a scheme of future mitigation measures.

The approved schemes shall be carried out in full and in accordance with the Strategic Phasing Plan agreed pursuant to condition 7. The land shall

thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

REASON To ensure that the playing field is prepared to an adequate standard and is fit for purpose, to protect the amenities of neighbouring residents and to accord with policies I1, S3, D1, D2 and N3 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

35. Prior to the occupation of the sports playing pitches, a community use agreement shall be submitted to and approved in writing by the Local Planning Authority. The agreement shall include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review. The community use agreement shall be implemented as approved at all times.

REASON To secure well managed safe community access to the sports facility / facilities, to ensure sufficient benefit to the development of sport and to accord with policies S3, D1, and N3 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework, and the NPPF and PPG.

36. No development within any Phase of the development (as may be approved by as part of the Strategic Phasing Plan approved pursuant to condition 7) shall take place until a surface water drainage scheme for that phase of the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of that part of the site, has been submitted to and approved in writing by the local planning authority. Where relevant, the submitted details shall include but not be limited to:

- Detailed drawings for the relief road drainage showing connections and outfalls
- Allowances for urban creep and climate change
- Calculations showing allowable rates from each development parcel and showing how the rates will not exceed the 1 in 1 year rate overall
- An assessment of flows onto the development site during the 1 in 100 plus climate change event from upstream/the flood alleviation scheme
- Water quality treatment in line with best practice, not including current watercourses as part of the treatment process unless it can be demonstrated that existing ecology will not be affected
- Modelling to show system performance during design event with storage features cascaded

The approved scheme shall be implemented prior to occupation of that part of the development site to which the details relate.

REASON To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime of the development and to mitigate environmental damage caused by runoff during a rainfall event in accordance with policies S4 and D5 of the Approved Maldon District Local Development Plan, the endorsed North Heybridge Garden Suburb Strategic Masterplan Framework and the NPPF and PPG.

37. No development shall commence within any Phase of the development until details of who is responsible for the management and maintenance of all watercourses throughout that Phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details of the management and maintenance shall be implemented following first use / occupation of any property within that phase of the development and shall be maintained in accordance with the approved details thereafter.  
REASON To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Approved Maldon District Local Development Plan and the NPPF and PPG.
38. Pursuant to Condition 36 above, yearly logs of maintenance shall be maintained which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon request by the Local Planning Authority.  
REASON To ensure that the watercourses within the site are satisfactorily managed and maintained to prevent flood risk in accordance with policy D5 of the Approved Maldon District Local Development Plan and the NPPF and PPG.
39. No building intended for use for purposes falling within Use Classes A1, A2, A3, A4, A5, C1, C2, D1 or D2 as defined by the Town and Country (Use Classes) Order 1987 shall be erected above foundation level until details of the foul water drainage for that building have been approved in writing by the Local Planning Authority. The drainage works shall be constructed in accordance with the approved details prior to the occupation or first use of the built development to which it relates.  
REASON To prevent the increased risk of pollution to the water environment and to prevent an increased risk of flooding to existing property in accordance with policy D5 of the Approved Maldon District Submission Local Development Plan and the NPPF and PPG.
40. After the occupation of the 500<sup>th</sup> dwelling but prior to the occupation of the 750<sup>th</sup> dwelling, a noise validation survey shall be undertaken to verify the amenity noise levels to the rear of the gardens of Poplar Grove and properties fronting onto Langford Road. The survey results shall be submitted in writing to the local planning authority. In the event that the results show noise levels exceed WHO 55bD the developer shall write to the owners of the properties to offer to construct a standard solid wooden boundary fence up to 1.8m high, and if requested to do so by the owners of the property within 28 days of being written to, shall install the said fence(s) prior to the occupation of the 751<sup>st</sup> dwelling.  
REASON In the interests of amenity and minimising the impact of noise upon the nearby residents and the surrounding countryside in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

41. Prior to the occupation of any dwelling at the application site full details shall be submitted to and approved in writing by the Local Planning Authority of the proposed acoustic barrier to the south of the Relief Road which shall be provided prior to the occupation of any dwelling at the application site. The approved acoustic barrier shall be implemented in accordance with the approved details and retained in perpetuity.  
REASON In the interests of amenity and minimising the impact of noise upon the residents and the surrounding countryside in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
42. No development shall commence (except works required to facilitate further investigation and remediation) within the areas identified at risk of potential land contamination as identified in the Phase 1 contaminated land study Desk Study & Preliminary Geotechnical Assessment, Project No 44006, by Richard Jackson Ltd until a Phase 2 intrusive investigation and report into potential land contamination. The investigation shall inform an updated conceptual model that identifies whether remediation measures are required. If required, the report shall also include a remediation strategy. The Phase 2 report and remediation strategy shall be submitted to the local planning authority and implemented in accordance with the approved details prior to any other development in the areas identified.  
REASON To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Approved Maldon District Submission Local Development Plan, and the NPPF and PPG.
43. Prior to the construction of any dwelling within any phase of the development (as set out within the Strategic Phasing Plan agreed pursuant to condition 6 of this permission) details shall have been submitted to and approved in writing by the Local Planning Authority confirming that all agreed remediation measures identified as necessary in the contaminated land assessment or approved under the terms of condition 41, as far as is relevant to that phase, have been undertaken to render the site suitable for the use specified.  
REASON To ensure any contamination found present on the land is remediated in the interests of the occupiers of the dwellings on this development in accordance with policy D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
44. Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), details including details of a lighting strategy for that phase of the development (as agreed pursuant to condition 6 of this permission), 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 approved lighting shall be implemented in accordance with the approved details and once implemented shall be retained in accordance with the approved scheme.  
REASON To safeguard the neighbouring rural countryside, ecological sites, highway safety and amenity in accordance with policies D1, D2, N2, T2 and I1 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.

45. There shall be no floodlighting installed within the sports playing pitches or within the sports pitches at the primary school unless otherwise agreed in writing by the Local Planning Authority prior to the first use of the playing pitches hereby approved.  
REASON To safeguard the neighbouring rural countryside, ecological sites and amenity in accordance with policies D1, D2, N2, T2 and I1 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
46. 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 identify the specific positions of 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.  
REASON To ensure that future residents have adequate means by which to recycle in accordance with policies D1 and D2 of the Approved Maldon District Local Development Plan, and the NPPF and PPG.
47. No construction of residential buildings shall commence until a strategy to facilitate superfast broadband for future occupants of the residential buildings has been submitted to and approved in writing by the Local Planning Authority.
- The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.  
REASON In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Approved Maldon District Local Development Plan and the NPPF and PPG.
48. No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. The archaeological assessment shall be submitted in writing and approved by the Local Planning Authority. The archaeological assessment shall inform the implementation of a programme of archaeological work, which may include a phased programme of works to enable the phased implementation of the development. The archaeological work shall be carried out in a manner that accommodates such approved programme of archaeological work.

REASON To safeguard any archaeological remains found present on the site in accordance with policy D3 of the Maldon District Submission Local Development Plan, and the NPPF and PPG.

49. Notwithstanding the content of the submissions that have accompanied the application hereby approved, the suggested mix of housing (in terms of number of bedrooms per property) is not approved. Prior to the commencement of any development hereby approved, details of a housing mix that results in at least 60% of the proposed dwellings built at the application site being 1 or 2 bedroom properties shall be submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that the housing mix of the development accords meets the needs of the District, as identified by the Council's Strategic Housing Market Assessment (SHMA) and in accordance with policy H2 of the Approved Maldon District Local Development Plan.