



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

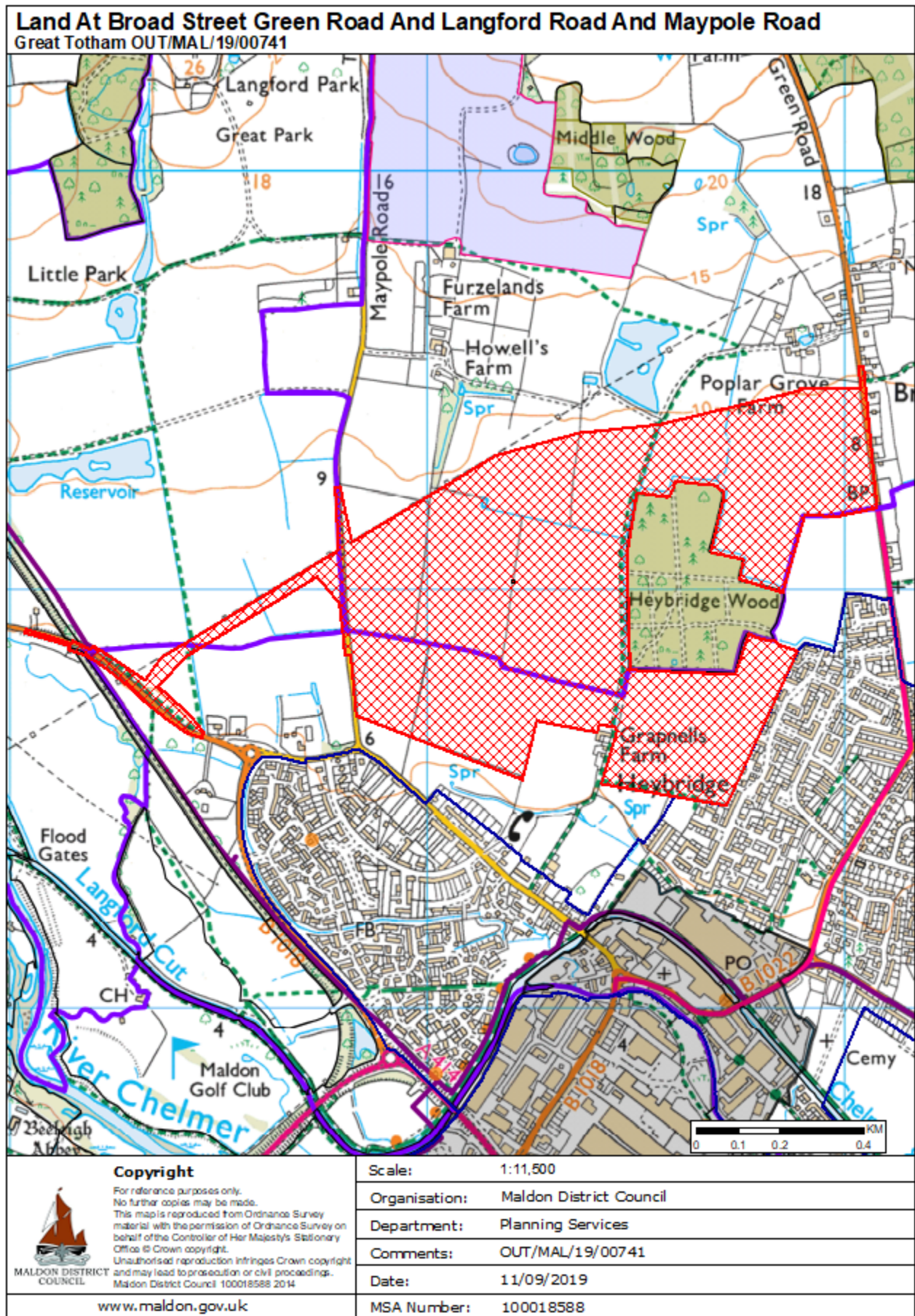
**to  
DISTRICT PLANNING COMMITTEE  
19 SEPTEMBER 2019**

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|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b>                             | <b>OUT/MAL/19/00741</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Location</b>                                       | Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Proposal</b>                                       | Part outline/part detailed (hybrid) application for mixed use development including:<br>(i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)<br>(ii) Residential Care for up to 120 beds (Use Class C2) (Outline)<br>(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)<br>(iv) Primary school and early years childcare facility (Use Class D1c) (Outline)<br>(v) A relief road between Broad Street Green Road and Langford Road (Detailed element)<br>(vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);<br>(vii) Construction of initial gas and electricity sub-stations (Detailed); and<br>(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>                           | 26 September 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Case Officer</b>                                   | Matt Leigh                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Parish</b>                                         | Great Totham, Heybridge, Langford and Ulting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Reason for Referral to the Committee / Council</b> | Environmental Impact Assessment<br>Strategic site within the strategic submitted Local Development Plan<br>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 8 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 Site History**

- 3.2.1 This application is a re-submission of application OUT/MAL/15/00419 which was refused by the Council on 8 March 2019 with the following reason for refusal:

*“Insufficient evidence has been submitted with the application to demonstrate that the proposed development would be able to incorporate adequate surface water drainage infrastructure and that the infrastructure that would be proposed would be maintained in a manner that would ensure that the development would not cause increased flood risk within the vicinity of the site and the catchment area of the watercourses that are within the site. The potential impact on flood risk resulting from the development is unacceptable and contrary to policies S1, S4 and D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.”*

- 3.2.2 This current application has been submitted with the aim of addressing the reason for refusal. The description of development remains the same as in the previous submission and the only changes to the application relate to the following:
- Submission of additional information in respect of the operation of the drainage network;
  - A new Sustainable Drainage System (SuDs) Maintenance Strategy which explains how the drainage network will be maintained in the future, and by whom;
- 3.2.3 An appeal has also been lodged by the applicant against the Council’s refusal of application OUT/MAL/15/00419. The appeal is currently due to be determined as a Public Inquiry. A report was placed before an extraordinary meeting of the Council on 29 August 2019 with a recommendation that the Council should not continue to

defend the reason for refusal. This recommendation was based on legal advice from Counsel who did not consider that the reason for refusal was defensible at appeal. Members agreed at the meeting to not continue to defend the reason for refusal.

- 3.2.4 No other objections were raised by the Council in relation to application OUT/MAL/15/00419 and therefore the key consideration in the determination of this re-submitted application is whether the reason for refusal has been addressed and whether any material considerations have altered since the previous application was determined in March of this year. The Council's previous assessment of OUT/MAL/15/00419 is a material consideration in the determination of this application.

### **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 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 application is also supported by an Environment Statement (ES) which demonstrates an Environmental Impact Assessment (EIA) has been undertaken for a development of up to 1,140 residential units and is supported by a number of 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), Habitats Regulations Assessment (HRA), Transport Assessment (TA) and a Planning Statement (PS).

3.3.8 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:

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Phase One</b><br>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>                                                   |
| <b>Phase Two</b><br>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</li> </ul> |

|                                   |                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   | <p>pedestrian route through from the existing development to the South into the Garden Suburb.</p> <ul style="list-style-type: none"> <li>• Completion of the Relief Road prior to the 350<sup>th</sup> occupation.</li> </ul>                                                                                                                                                                         |
| <b>Phase Three</b><br>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 500th 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> |
| <b>Phase Four</b><br>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 Suburb 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 (Outline Element)**

- 3.7.1 The development would comprise of 1,138 dwellings with 30% affordable.
- 3.7.2 The dwellings would comprise the following mix of unit sizes;

| Bedrooms | Percentage        |
|----------|-------------------|
| 1 or 2   | Minimum (min.) 50 |
| 3        | Minimum (min.) 30 |
| 4+       | No more than 20   |

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

- 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 (Outline Element)**

- 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 - Formal and informal open space (including sports pavilion / clubhouse) (Outline Element)**

3.10.1 The application includes for the provision of a range of open spaces, from informal parkland and amenity spaces, to formal playing fields, play areas, activity areas and allotments. The land use parameter plan shows the formal playing fields and allotments within the south east section of the site and allows for the potential of a single storey building of up to 500 sqm to be constructed in association with the proposed open space

### **3.11 Proposal - Planning Obligations**

3.11.1 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.
- Highway improvements.
- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution

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

3.12.1 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 165 of the National Planning Policy Framework).

3.12.2 The application is accompanied by a Flood Risk Assessment (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.

3.12.3 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.

- 3.12.4 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.
- 3.12.5 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.
- 3.12.6 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).
- 3.12.7 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.
- 3.12.8 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.
- 3.12.9 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.

3.12.10 The development has 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.

3.12.11 The 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.

3.12.12 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.

3.12.13 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.

### **3.13 Proposal - Green Infrastructure**

3.13.1 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.

### **3.14 Conclusion**

3.14.1 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.

3.14.2 This application represents a re-submission of recently refused (March 2019) application OUT/MAL/15/00491 which was refused for the following reason:

*“Insufficient evidence has been submitted with the application to demonstrate that the proposed development would be able to incorporate adequate surface water drainage infrastructure and that the infrastructure that would be proposed would be maintained in a manner that would ensure that the development would not cause increased flood risk within the vicinity of the site and the catchment area of the watercourses that are within the site. The potential impact on flood risk resulting from the development is unacceptable and contrary to policies S1, S4 and D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.”*

3.14.3 This current application has been submitted with the aim of addressing the reason for refusal. The description of development remains the same as in the previous submission and the only changes to the application relate to the following:

- Submission of additional information in respect of the operation of the drainage network;
- A new SuDs Maintenance Strategy which explains how the drainage network will be maintained in the future, and by whom;

3.14.4 No other objections were raised by the Council in relation to application OUT/MAL/15/00419 and therefore the key consideration in the determination of this re-submitted application is whether the reason for refusal has been addressed and whether any material considerations have altered since the previous application was determined in March of this year.

3.14.5 The proposed SuDs scheme has been the subject of consultation with the Lead Local Flood Authority (LLFA) SuDs team at ECC and the Environment Agency and no objections have been raised to the proposal, subject to appropriate conditions. It is considered that the application has addressed the previous reason for refusal through the submission of additional information relating to the overall drainage strategy as well as further details as to the long term management and maintenance of the SuDs. The submitted FRA has demonstrated that the development has the ability to deal with surface water drainage issues on site and 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.

3.14.6 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 is 30%, which is compliant with LDP policies and will provide substantial affordable housing into the District. Overall it is considered that the previous reason for refusal has been addressed and the benefits of the proposed development would substantially outweigh any identified harm.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 80- 82 Building a strong, competitive economy
- 85-90 Ensuring the vitality of town centres
- 91-95 Promoting healthy and safe communities
- 96-98 Open space and recreation
- 102-111 Promoting sustainable transport
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 148-165 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S3 – Place Shaping.
- S4 – Maldon and Heybridge Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design 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. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 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.
- 5.1.2 In this context it is relevant to note that paragraph 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.

- 5.1.3 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’*.
- 5.1.4 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.’
- 5.1.5 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’*.
- 5.1.6 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.
- 5.1.7 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.
- 5.1.8 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 section 5.32 below.

- 5.1.9 The principle of the development is therefore supported. It is important to note that this application is a resubmission of the recently refused application OUT/MAL/15/00419 where no objection was raised to the principle of the development. The main consideration is therefore whether the recent reason for refusal has been addressed and whether any material considerations have altered since the refusal (March 2019).

## **5.2 Housing and Residential Uses**

- 5.2.1 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”*.
- 5.2.2 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 expected delivery rate from this site (126 units per annum (pa)) could provide 40% of the district’s annual housing target (310 dwellings pa) and without this site; the LDP can not be delivered. As a result, the LDP will have to be reviewed to allocate an equivalent amount of development elsewhere. In the intervening time, it will be difficult to resist speculative development that falls outside that provided for by the LDP. Where a Council is unable to demonstrate a Five Year Housing Land Supply (5YHLS) it is vulnerable to adversarial applications for housing development in areas where the Council may have an objection in principle due to sustainability concerns and lack of infrastructure provision.
- 5.2.3 The 2017 / 18 5YHLS statement was revised in March 2019, following the publication of the Housing Delivery Test (HDT) which reduced the buffer included in the 5YHLS from 20% to 5%, resulting in 6.34 years’ worth of housing land supply. However, the HDT results are published annually and therefore the buffer could change again in November 2019 when the next HDT results are due to be published. If the strategic sites are unable to contribute towards the five year supply of housing land through either delay or not securing planning permission, there is an increased risk that the 5YHLS will fall below the five year threshold. As the existing planning permissions on other sites are built out, this position will deteriorate. If the Council is unable to demonstrate a 5YHLS, the LDP local plan housing policies will be deemed to be out of date and speculative developments in unsustainable locations will be difficult to resist.

## **5.3 Housing Density**

- 5.3.1 The quantum of development has not altered since the previous refusal and the overall density of development remains the same. No objection was raised regarding density in the determination of the previous application OUT/MAL/15/00419 and material considerations have not changed.
- 5.3.2 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 the identified density will be met.

- 5.3.3 The varied density across the development will result in different character areas which is also supported within the SMF and shown on the submitted parameter plans.

#### 5.4 Housing Mix

- 5.4.1 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”*.

- 5.4.2 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.

- 5.4.3 The applicant has confirmed as part of this application submission that they are happy to progress on the basis of the market mix / affordable mix agreed with Officers at the time of the previous determination in February 2019 which is as follows:

| Bedrooms | Percentage        |
|----------|-------------------|
| 1 or 2   | Minimum (min.) 50 |
| 3        | Minimum (min.) 30 |
| 4+       | No more than 20   |

- 5.4.4 It is noted that the adopted Policy (H2 Housing Mix) seeks “to deliver a higher proportion of smaller (1 or 2 bedroom) units” as well as “meeting the diverse needs of all people within the District”. There is a shortfall through the plan of dwellings aimed at meeting the housing needs of the older residents of the District.
- 5.4.5 The proposal would achieve a minimum of 50% of units being smaller 1 or 2 bedroom units and also includes both market and affordable housing through the provision of bungalows, as a minimum of 4% of the overall scheme. This provision would have the potential to provide a type of accommodation that is attractive to the older residents of the district and would help to meet the diverse needs of the residents of the district.
- 5.4.6 Furthermore, it is worth noting that the number of 4+ dwellings would be limited to no more than 20% of the units as the proposal would include a substantial percentage of 3 bedroom dwellings which are considered to be smaller family dwellings which could facilitate a greater level of churn.
- 5.4.7 Overall the housing mix proposed is considered to be acceptable and is identical to that considered under the previous submission OUT/MAL/15/00419. No objections were raised previously regarding housing mix and no material considerations have altered in this regard.

## 5.5 Affordable Housing

- 5.5.1 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 Design and Access 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.
- 5.5.2 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.
- 5.5.3 The level of affordable housing provision is policy compliant, has not altered since the previous refusal and no material considerations have altered in this regard. Therefore no objection is raised to the affordable housing provision which is policy compliant.

## 5.6 Care Home

- 5.6.1 The care home element of the proposal has not altered since the previous refusal where no objection was raised and no material considerations have altered in this regard.
- 5.6.2 The application includes a care home (Use Class C2) development of 120 beds, either in one building or two.
- 5.6.3 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.*”

- 5.6.4 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’.
- 5.6.5 Consultations have been carried out with both the National Health Service (NHS) and the Clinical Commissioning Group (CCG) and within the previous submission 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.
- 5.6.6 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).
- 5.6.7 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.

## **5.7 Education**

- 5.7.1 There are no material changes to the application in relation to education and no objections were raised regarding education provision in the determination of OUT/MAL/15/00419 in February 2019. No material considerations have changed in regard to education since the determination of OUT/MAL/15/00419.
- 5.7.2 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.
- 5.7.3 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.
- 5.7.4 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’*.
- 5.7.5 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 jeopardise 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.

- 5.7.6 LDP policies S4 (Maldon and Heybridge Strategic Growth), E3 (Community Services and Facilities), E6 (Skills, Training and Education) and I1 (Infrastructure and Services) as well as NPPF Section 8 are all applicable.
- 5.7.7 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.
- 5.7.8 ECC Education has advised throughout the LDP process on the education needs for the District and on the preparation of the SMF.
- 5.7.9 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.
- 5.7.10 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'.
- 5.7.11 ECC Education has not objected to the application subject to the above points being addressed and the appropriate contributions being secured through the planning obligations.

## **5.8 Local Centre**

- 5.8.1 No objections were raised during the consideration of the previous application OUT/MAL/15/00419 regarding the local centre. No amendments regarding the local centre are proposed as part of this re-submission and no material considerations have altered.
- 5.8.2 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.

- 5.8.3 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.
- 5.8.4 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.
- 5.8.5 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.
- 5.8.6 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 paragraph 5.8.2 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”*.
- 5.8.7 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.

## **5.9 Health**

- 5.9.1 The application remains the same in terms of healthcare provision. No objections were raised regarding healthcare provision in the determination of the previous application OUT/MAL/15/00419 and material considerations have not changed.

- 5.9.2 LDP policy S4 requires adequate provision to be made for enhanced medical provision in co-operation with the relevant health bodies.
- 5.9.3 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.
- 5.9.4 The consultation response relating to the previous submission 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. It is not anticipated that the response will change to this application.
- 5.9.5 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.

## **5.10 Other Uses**

- 5.10.1 The provision of initial utility infrastructure comprising electricity and gas sub stations is a necessary requirement of a development of the scale currently proposed and forms a detailed element of this proposal. This has not altered from the previous application (OUT/MAL/15/00419) where no objections were raised in this regard. There are no material implications associated with the proposed siting of this utility infrastructure and no objections are raised on this basis.

## **5.11 Flood Risk and Sustainable Urban Drainage**

- 5.11.1 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.
- 5.11.2 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.'*

5.11.3 The previous application at this site was refused planning permission earlier this year for the following reason for refusal:

*“Insufficient evidence has been submitted with the application to demonstrate that the proposed development would be able to incorporate adequate surface water drainage infrastructure and that the infrastructure that would be proposed would be maintained in a manner that would ensure that the development would not cause increased flood risk within the vicinity of the site and the catchment area of the watercourses that are within the site. The potential impact on flood risk resulting from the development is unacceptable and contrary to policies S1, S4 and D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.”*

5.11.4 In order to address the reason for refusal this application has been supported by an updated FRA containing the following:

- Additional information in respect of the operation of the drainage network;
- A new SuDS Maintenance Strategy which explains how the drainage network will be maintained in the future, and by whom;

5.11.5 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. Due to the relatively shallow ground water, infiltration drainage techniques will not be utilised on the site. However, other SuDS techniques will be used, which will be specified in greater detail at reserved matters stage, but will follow the SuDS train submitted as part of the FRA, consisting of a mixture of; rainwater butts, permeable paving to private drive ways, swales, ponds and detention basins. Water will be collected, treated and attenuated in a SuDS train prior to outfalling into the existing water courses at the 1 in 1 year Greenfield runoff rates up to and including the 1 in 100 plus 40% climate change rainfall storm event.

5.11.6 The proposed development will provide a surface water disposal system that ensures that the flood risk currently existing is not worsened. This will be achieved by reducing flow rates from the development area to the existing 1:1 year greenfield runoff rate for all storm events up to and including the 1:100 year event plus climate change, with the use of SuDS.

5.11.7 The on-site SuDS system is contained principally within the various elements of 'green infrastructure' to be provided as part of the development, shown on the Green and Blue Infrastructure Parameter Plan. This would include existing ditches that run alongside existing field boundaries, widened ditches and swales for the transfer and storage of surface water, a new 'wet' balancing pond forming part of the open space associated with the development, and new 'dry' attenuation areas within informal and formal open spaces, which will normally have dual use for recreational purposes.

5.11.8 The SuDS system will be designed to ensure that the flows from the development site, for developed and undeveloped areas, will not exceed the existing 1 in 1 year flow rates in the watercourses for all storm events up to and including 1 in 100 year event plus 40% climate change.

5.11.9 The applicant has submitted additional information regarding the overall drainage strategy and an expanded explanation on how different elements of the drainage strategy work with examples of other built out developments. The FRA contains a plan titled illustrative SUDs features (ref 44006/C/SK60) which whilst illustrative, as the application is outline, gives an overview of how the proposed drainage scheme would work. This plan has been annotated to detail how each element would work with examples of where the applicant has used these features successfully in previous developments. The following information is contained on the plan:

- Swales – The swales proposed on the site are designed to drain and treat the run off surface water from the highways. These create wide, green spaces between the edge of the highway and the footpaths / cycleways. An example is given of a swale installed by the applicant at Beaulieu Park in Chelmsford.
- Surface Water Detention Basins – The detention basins on this site are open, useable green spaces with shallow gradients on the sides and large flat bases. They are designed to only contain water in extreme storm events. An example is given of a surface water detention basin installed by the applicant at Beaulieu Park in Chelmsford.
- Pond – The pond proposed on this site is to provide an aesthetically pleasing green space and will also provide storage for surface water during extreme storm events. The pond will have a permanent water level which creates habitat for wildlife. The area surrounding the permanent water will generally be green open space. An example is given of a pond installed by the applicant at Kingsmere, Bicester.

5.11.10 The submitted FRA contains information regarding modelling analysis of the proposed drainage strategy for the development proposals and the impacts the scheme has on Heybridge. From the modelling undertaken it is demonstrated that if a significant rainfall event were to occur, the proposed development does not increase the extent of the flooding in Heybridge and in some areas reduces the extent of the flooding. The flood management system is designed to ensure that any flooding that occurs on site from the existing watercourses for storm events up to and including the 1 in 100 year storm event +35% climate change is managed on site.

5.11.11 The submitted FRA confirms that during construction, each phase will be designed to ensure that no increase in flows to the watercourses occur at any stage.

5.11.12 In terms of the long term management and maintenance of the SuDS scheme the applicant has submitted additional information to support this application in the form of a SuDS Maintenance Strategy which explains how the drainage network will be maintained in the future, and by whom. This document advises of the following:

- The surface water network has been designed as a passive system which does not require any mechanical equipment or any physical intervention in times of rainfall for storm events up to and including the 1 in 100 year storm plus climate change.

- The appointed management company will inspect and maintain the detention basins, ponds and swales located on the site. The maintenance for these elements will be paid for by an estate charge. This is normal practice and has been done on other developments in the area by the applicant such as Beaulieu and St. Luke's Park. As with these developments, the applicant is planning to work with the Land Trust.
- It is proposed that the piped network on the site is to be adopted by Anglian Water. Anglian Water's maintenance responsibilities will be for the piped network, manholes and flow controls. These elements of the surface water network will be adopted by Anglian Water under a Section 104 Agreement which will give them legal responsibility for the ongoing maintenance of these elements.
- The home owners will be responsible for the maintenance of any drainage features within their curtilage that are not adopted. This will be drainage features that are serving individual properties.
- The highway authority will be responsible for the drainage network elements that are solely for the drainage of the adoptable highways. These will be adopted under a section 38 Agreement which will give them legal responsibility for the ongoing maintenance of these elements.

5.11.13 The SuDS Maintenance Strategy also includes details of the maintenance and states that *"Preventative maintenance involves regular inspection, checking and replacement or repair of the drainage system in order to maintain its performance."* A table is included which details all the maintenance required for the system, the frequency of maintenance checks and the responsibility for the maintenance.

5.11.14 The S106 will secure the overall management of the green and blue infrastructure through the appointment of a Land Management Organisation which will take over the maintenance of the green and blue areas of open space.

5.11.15 The ECC SuDS Team as the LLFA has been consulted on the application and have advised that having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to conditions relating to:

- Submission of a detailed surface water drainage scheme;
- Submission of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works;
- Submission of a Maintenance Plan for the surface water drainage system, and
- maintaining yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.

5.11.16 In assessing the application the LLFA considers 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.

5.11.17 In addition to the above, it is noted that no objection has been raised to the proposal by the Environment Agency.

5.11.18 Overall it is considered that the application has addressed the previous reason for refusal through the submission of additional information relating to the overall drainage strategy as well as further details as to the long term management and maintenance of the SuDS. The submitted FRA has demonstrated that the development has the ability to deal with surface water drainage issues on site and 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.

## **5.12 Foul Drainage and Water Supply**

5.12.1 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.

5.12.2 Anglian Water has confirmed that it has adequate capacity at its treatment works to accommodate the foul flows from the development.

5.12.3 The considerations of foul drainage and water supply has not altered from the previous application (OUT/MAL/15/00419) where no objections were raised in this regard and there has been no change in material considerations.

## **5.13 Access, Transport and Accessibility**

5.13.1 The detailed planning permission includes the construction of a new relief road between Broad Street Green Road and Langford Road, including the construction of roundabouts at either end of the new link, and the construction of the principle access points to the development area.

5.13.2 The design and position of the new relief road remains the same within this application as the previous scheme and no objections were raised regarding this element of the development.

5.13.3 The application has been supported by a Transport Statement (TS) dated June 2019 with the previous Transport Assessment (TA) from 2015 forming an Appendix to the Environmental Statement that accompanies this application.

5.13.4 The TS advises that updated traffic surveys were undertaken between 30th March and 1st May 2019, which showed that overall, traffic flows have reduced. The TS concludes that the traffic projections to 2026 have reduced by over 7% in the AM

peak and 5% in the PM peak, therefore making the previous assessments undertaken robust. It is noted that there has been some transfer of traffic from the town centre to the A414 which is predicted to have higher 2,026 flows. Overall the traffic implications of the proposed development remain unchanged from the previous submission.

5.13.5 The Transport Assessment (TA) submitted with the original application and as part of this current application remains relevant. The TA 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.

5.13.6 The TA identifies that the development would have highway impacts that would require mitigation. Two of the junctions that require mitigation have now had improvement works completed following Local Enterprise Partnership grant funding at the A414 / Spital Road roundabout and Wycke Hill / Limebrook Way roundabout. Improvement works at Eves Corner junction in Danbury have also been completed. Three other junctions are identified as requiring improvements both adjacent to the site and further afield:

- Langford Road B1018 / Heybridge Approach roundabout;
- Heybridge Approach / A414 roundabout;
- A414 Oaks Corner junction.

5.13.7 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.

5.13.8 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.

5.13.9 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 the previous submission 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.

5.13.10 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.

5.13.11 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.

5.13.12 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.

5.13.13 Whilst this application has been supported by an updated TS with further traffic surveys having been undertaken along with further assessment of the public transport network the overall traffic implications of the proposed development remain unchanged. No objections were raised during the consideration of the previous application OUT/MAL/15/00419 in regard to highway issues and no material considerations have altered.

## **5.14 Design and Impact on the Character of the Area**

5.14.1 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.

5.14.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states at paragraph 124 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.” And goes on to state at paragraph 130 that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents”.*

5.14.3 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

5.14.4 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.

5.14.5 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.

5.14.6 The Master Plan sets out the land use of the application site as:

- Local Centre;
- Education – primary and early years;
- Health;
- Housing.

5.14.7 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. It will be possible to prepare amended design codes prior to the submission of reserved matters applications to inform and lead the proposed development.

5.14.8 It is important to note that this application remains the same in terms of its layout, design and impact upon the character of the area as the previous submission (OUT/MAL/15/00419). No objections were raised regarding layout, design or impact on the character of the area in the determination of the previous application and material considerations have not changed.

5.14.9 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.

5.14.10 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.

5.14.11 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’.

5.14.12 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.

5.14.13 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.

5.14.14 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.

5.14.15 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.

5.14.16 '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. The Building Heights Design Parameters Plan has been amended to include the words 'up to' before the building height range to allow for single storey bungalows. This is just a point for clarification and no amendments to the scheme are included and no further consultation is required on this.

5.14.17 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.

5.14.18 The 'Residential Density Parameter Plan' sets out the density across the site within three ranges: 26-32 dwellings per hectare (dph), 30-36 dph and 34-40 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.

- 5.14.19 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.
- 5.14.20 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'.
- 5.14.21 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. 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.
- 5.14.22 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.
- 5.14.23 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.

## **5.15 Landscape and Visual Impact Assessment**

- 5.15.1 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.
- 5.15.2 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.

- 5.15.3 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application and informs the ES for EIA purposes.
- 5.15.4 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 and the new road 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.
- 5.15.5 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.
- 5.15.6 The overall landscape impact of the proposed development has not altered since the determination of the previous application OUT/MAL/15/00419 where no objection was raised in this regard.

## **5.16 Impact on Heritage Assets**

- 5.16.1 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.
- 5.16.2 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.

- 5.16.3 Furthermore, paragraph 196 of the NPPF states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.
- 5.16.4 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.
- 5.16.5 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.
- 5.16.6 There are no scheduled ancient monuments, registered battlefields, historic parks / gardens within the site or within the wider study area that would be affected.
- 5.16.7 The overall impact of the proposed development on heritage assets has not altered since the determination of the previous application OUT/MAL/15/00419 where no objection was raised in this regard and there has been no change in material considerations.

## **5.17 Archaeology**

- 5.17.1 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.

## **5.18 Impact on Residential Amenity**

- 5.18.1 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.
- 5.18.2 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.

- 5.18.3 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.
- 5.18.4 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.
- 5.18.5 The closest dwellings to the application to the site share its eastern border in Heywood Way where existing dwellings back onto the site. The development is stepped back from the shared eastern boundary to reduce any potential impact on the amenity of adjacent residents by means of overlooking and overshadowing.
- 5.18.6 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.
- 5.18.7 The impact upon residential amenity has not altered from the previous application (OUT/MAL/15/00419) where no objections were raised in this regard and there has been no change in material considerations.

## **5.19 Private Amenity Space**

- 5.19.1 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.

5.19.2 Details of private and communal amenity space will be determined at the reserved matters stage. This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter.

## **5.20 Green Infrastructure, Open Space, Sports Provision and Playspace**

5.20.1 The level of green infrastructure, open space, playspace and sports provision has not altered since the previous submission (OUT/MAL/15/00419) was considered. No objections were raised in regard to this matter in determining the application and no material considerations have altered since then.

5.20.2 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 could be located within the primary school grounds. Sport England has provided comments and requested conditions in relation to the delivery of this infrastructure in line with their consultation reply on the previous submission (OUT/MAL/15/00419). In addition, the development provides extensive areas of informal space, parks and playspace and green corridors.

5.20.3 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

5.20.4 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 previously 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.

5.20.5 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.

5.20.6 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.

5.20.7 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.

- 5.20.8 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.
- 5.20.9 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.
- 5.20.10 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.
- 5.20.11 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.
- 5.20.12 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.

## **5.21 Landscaping, Biodiversity, Ecology and Trees**

- 5.21.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity*'.
- 5.21.2 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).

- 5.21.3 Natural England were consulted on the Habitats Regulations Assessment (HRA) for the then emerging Maldon District Local Development Plan, where they accepted the conclusions of no likely significant effect, however this 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.
- 5.21.4 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.21.5 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.21.6 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'.
- 5.21.7 As the proposal is for over 100 dwellings Natural England advise that a HRA (Stage 2: Appropriate Assessment) has to be undertaken by the Local Planning Authority to secure any necessary recreational disturbance mitigation. A Stage 2 Appropriate assessment has been undertaken and sent to Natural England for any further comments, however the mitigation package is identical to the previous application (OUT/MAL/15/00419) where Natural England raised no objections. The recreational disturbance mitigation package is as follows:
- Provision of approximately 21.5 ha of green infrastructure including a significant proportion of informal open space;

- Provision of a network of linked open spaces, including part of the SuDS and buffers to existing landscape features, and new footpaths linking to the existing footpath network;
- New footpaths will link in to the existing local footpath network and will link the proposed development with Elms Farm Park and to the Blackwater Rail Trail.
- Managed access to Heybridge Wood which lies adjacent to the application site (but under the same ownership) and extends to 11.7ha.
- Provision of new and improved signage across the footpath network as well as information to be provided to new and existing households making them aware of the recreational opportunities in the area.
- Applicant has agreed to pay the Essex Coast RAMS tariff of £122.30 per dwelling in order to address any residual quantum of recreational pressure to the International Sites that are not addressed by the project specific impact avoidance and mitigation measures detailed above, and to address any 'in-combination' effects. This amounts to a total of £139,177.40.

5.21.8 In consideration of the previous application OUT/MAL/15/00419 it was considered 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 was required. A Stage 2 Appropriate Assessment has been undertaken in regard to recreational disturbance and as long as the above referenced mitigation is secured through appropriate planning conditions and a Section 106 legal agreement likely significant effects could be ruled out for recreational pressure. As no further likely significant effects have been identified within the submitted HRA no further Appropriate Assessment is required.

5.21.9 Given the above assessment in relation to the recreational disturbance and the mitigation which will be secured the development will also not likely have an adverse effect on the Blackwater Estuary SSSI.

5.21.10 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 minimum 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. A management plan for Heybridge Wood would be dealt with as part of any Section 106 legal agreement.

5.21.11 The ES includes a series of baseline ecological surveys which were completed for the Site between 2012 and 2019. Some of the surveys were completed in 2015 and would generally be considered out of date. However a Phase 1 habitat survey was undertaken in May 2019 to ascertain if the habitat present onsite had significantly altered since previous full surveys. A full table of the findings and update survey requirements was submitted in support of the application and generally found that updated full survey work was not required. Furthermore an Ecological Conservation Management Plan (ECMP) would be required for each phase of development (recommended condition 33) which would require full details of appropriate habitat

and species surveys (pre and post-construction), and reviews where necessary, to identify areas of importance to biodiversity.

5.21.12 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.

5.21.13 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.

5.21.14 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 not mitigated. However, even in the absence of mitigation a significant negative effect at the Local level is Unlikely.

5.21.15 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.

5.21.16 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.

5.21.17 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.

5.21.18 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. The RSPB and Essex Wildlife Trust (EWT) have both raised objections to the development on the basis of survey work and impact upon farmland birds, particularly Corn Buntings. The applicant has responded to these objections and advises that the assessment within the 2019 ES acknowledges that whilst retained hedgerows and greenspace within the proposed development will help to mitigate impacts on farmland breeding birds, it is not possible to fully mitigate for impacts on farmland birds within the site given the nature of the proposed development and loss of the farmland management from the site. The impact assessment acknowledges the residual adverse impact on farmland birds within the site, but this is assessed as being significant at less than local level (i.e. not significant in EIA terms).

5.21.19 Whilst acknowledging the residual adverse impact on farmland birds, the 2019 ES Ecology Chapter describes how there will be a measurable net gain in biodiversity overall through the delivery of the Proposed Development; specifically by replacing habitats of low intrinsic ecological value (arable fields) with those of greater ecological value. It also states that the following measures will also be implemented within the Application Site:

- A variety of wildlife features will be installed within suitable open space, to increase the habitat and resources available for use by local species of conservation concern. Such features may include bird boxes, bat boxes, deadwood habitat, reptile and amphibian hibernacula; and
- The use of berry and seed producing species of local provenance and high value to wildlife in landscaping provision.

5.21.20 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.

5.21.21 Overall it is considered subject to appropriate mitigation the development will provide net gains for biodiversity and will accord with Government advice contained in the NPPF. The ecological impact of the development is no different to the previous submission and the mitigation proposed remains the same. No objections were raised in the determination of the previous application and no material considerations have altered since that time.

## **5.22 Parking**

- 5.22.1 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.
- 5.22.2 Details of private, communal and visitor parking will be determined at the reserved matters stage. This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered

## **5.23 Air Quality**

- 5.23.1 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.
- 5.23.2 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.
- 5.23.3 The Council has adopted as a SPD related to Air Quality and Emissions which this 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 10 of the ES. 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.
- 5.23.4 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.24 Noise**

- 5.24.1 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.

- 5.24.2 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.
- 5.24.3 Issues in relation to potential impacts on existing residential properties have been addressed in Section 18 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.
- 5.24.4 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.25 Ground Conditions and Land Contamination**

- 5.25.1 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 contamination 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 previously advised that further land contamination surveys and any future remediation can be dealt with through the use of planning conditions.
- 5.25.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.26 External Lighting**

- 5.26.1 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.
- 5.26.2 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.

5.26.3 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.

5.26.4 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.

5.26.5 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 has previously raised a concern 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.

5.26.6 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.27 Construction Management Plan**

5.27.1 The ES refers to need for a Construction Environment Management Plan (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.

5.27.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.28 Refuse and Recycling**

- 5.28.1 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.
- 5.28.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.29 Climate Change and Renewable Energy**

- 5.29.1 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.
- 5.29.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.30 Socio-Economic Considerations**

- 5.30.1 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.
- 5.30.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## **5.31 Cumulative Impact**

- 5.31.1 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.

5.31.2 This assessment is unchanged from the previous application OUT/MAL/15/00419 where no objections were raised in relation to this matter and no material considerations have altered.

## 5.32 Planning Obligations and Viability – Summary

5.32.1 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.

5.32.2 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.”*

5.32.3 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.

5.32.4 The table below sets out the information taken from the Infrastructure Delivery Plan (IDP) specifically for this site and updated where appropriate. The financial contributions demonstrate 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) |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------|-------------------------------|
| <b>Highways and Transport</b>                                        |                                                                               |                               |
| Construction of Relief Road                                          | £11,122,000<br>(equates to full highways contribution required in IDP)        | 2019 - 2025                   |
| Public transport improvements to serve North Heybridge Garden Suburb | £2,457,000                                                                    | 2021 - 2025                   |
| <b>Education</b>                                                     |                                                                               |                               |
| 56-place early years and childcare facility to serve Heybridge       | £921,862**                                                                    | 2023 - 2025                   |

| <b>Infrastructure Item as listed in the LDP / IDP</b>                                             | <b>LDP policy I1 and IDP Financial Contributions ‘including pooled’ arrangements</b> | <b>Phasing (assuming 2019 start)</b> |
|---------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------|
| 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**                                                                         | 2022-2023                            |
| 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***                  |
| <b>TOTAL</b>                                                                                      |                                                                                      |                                      |

\*\* 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.

5.32.5 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. It should be noted that the construction of the relief road is to be fully funded by the applicant as part of this application and its deliverability is controlled through appropriate trigger conditions. It should also be noted that final figures within the Section 106 may differ from the above due to housing mix, indexation and variation in costs.

5.32.6 In addition to the above, the application 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.

5.32.7 It is also the case that the Local Planning Authority is obliged to seek a RAMS contribution as discussed at Section 5.21 of this report. Similarly, it is considered that the Section 106 agreement is also the most appropriate mechanism to control the management of open space and blue and green infrastructure (as discussed at 5.20 above) as well as the management of Heybridge Wood (as discussed in section 5.21 above).

### **5.33 Sustainability Appraisal**

5.33.1 Paragraph 8 of the NPPF sets out the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are an economic objective, a social objective and an environmental objective.

5.33.2 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.

5.33.3 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.

5.33.4 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.

5.33.5 For these reasons, the proposal is considered to constitute a sustainable form of development.

### **5.34 Conclusion and Planning Balance**

5.34.1 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.

5.34.2 This application represents a re-submission of recently refused (March 2019) application OUT/MAL/15/00491 which was refused for the following reason:

*“Insufficient evidence has been submitted with the application to demonstrate that the proposed development would be able to incorporate adequate surface water drainage infrastructure and that the infrastructure that would be proposed would be maintained in a manner that would ensure that the development would not cause increased flood risk within the vicinity of the site and the catchment area of the watercourses that are within the site. The potential impact on flood risk resulting*

*from the development is unacceptable and contrary to policies S1, S4 and D5 of the Maldon District Local Development Plan and the guidance contained within the NPPF.”*

5.34.3 This current application has been submitted with the aim of addressing the reason for refusal. The description of development remains the same as in the previous submission and the only changes to the application relate to the following:

- Submission of additional information in respect of the operation of the drainage network;
- A new SuDs Maintenance Strategy which explains how the drainage network will be maintained in the future, and by whom;

5.34.4 No other objections were raised by the Council in relation to application OUT/MAL/15/00419 and therefore the key consideration in the determination of this re-submitted application is whether the reason for refusal has been addressed and whether any material considerations have altered since the previous application was determined in March of this year.

5.34.5 It is clear from the above assessment that the additional information submitted has addressed the previous reason for refusal. Furthermore there have been no changes in material considerations which affect the assessment of the application since the refusal of application OUT/MAL/15/00419.

5.34.6 This proposal would provide 1,138 dwellings of which between 30% would be affordable housing units in accordance with approved policy.

5.34.7 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.

5.34.8 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.

5.34.9 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.

5.34.10 This application is acceptable in principle and meets with the three overarching objectives of the economic role, social role and environmental role as outlined in paragraph 8 of the NPPF. 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 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.

5.34.11 The application has been through the consultation processes 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.

## 6. **ANY RELEVANT SITE HISTORY**

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

Refused - 08.03.2019 – Appeal in progress – A report was placed before the Council (Extraordinary) on 29<sup>th</sup> August 2019 with a recommendation that the Council should not continue to defend the reason for refusal. This recommendation was based on legal advice from Counsel who did not consider that the reason for refusal was defensible at appeal. Members agreed at the meeting to not continue to defend the reason for refusal.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Officer Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Great Totham Parish Council   | <p>The Council supports the application in principle subject to the following points:</p> <ol style="list-style-type: none"> <li>1. The estate layout and design should comply with the latest vehicle parking standards.</li> <li>2. Adequate capacity must be available or provided for sewage treatment.</li> <li>3. Provision for dealing with surface and storm water must be adequate.</li> <li>4. The construction of the school must be carried out at an early stage and there must be adequate capacity available in local schools to accommodate children in the intervening time.</li> <li>5. Provision must be included within the application for adequate medical facilities.</li> <li>6. Provision must be made within the application for burial facilities</li> <li>7. In addition to the construction of the relief road plans and funding must be in place to deal with the pressure on the existing road network in the wider surrounding area arising from occupants of the development and users of the relief road.</li> </ol> | <ol style="list-style-type: none"> <li>1. Subject to reserved matters se per section 5.22 but also dealt with through recommended condition.</li> <li>2. Confirmed by Anglian Water.</li> <li>3. Dealt with in section 5.11 of the report.</li> <li>4. Dealt with in section 5.7 of the report.</li> <li>5. Dealt with in section 5.9 of the report.</li> <li>6. Not an identified infrastructure requirement of the development.</li> <li>7. Dealt with in section 5.13 of the report.</li> </ol> |

| Name of Parish / Town Council | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Officer Response                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heybridge Parish Council      | <p>Objects to the application and raises the following points:</p> <ol style="list-style-type: none"> <li>1. The application is contrary to Policy S3, Place Shaping, of the current Local Development Plan in as much as an approved Master Plan exists for North Heybridge Garden Village. Local Development Plan Policy S4 Para 2.59 requires the Strategic Development to the north of Heybridge should be integrated with a strategic flood alleviation scheme to address the existing surface flooding in north Heybridge. Heybridge Parish Council is concerned that the Surface Water Drainage Scheme association with this application is a standalone proposal and not integrated into a Strategic flood alleviation scheme as required.</li> <li>2. The application proposes a density of up to 40 dwellings per hectare. This density together with a greater land take on-site SUDs, compromises the lower density Garden Village concept, contrary to the requirements of the current Master Plan. Such densities would result in intrusive built form in this highly sensitive location where sympathetic soft edge development is called for.</li> <li>3. There is currently insufficient health care provision to service the existing populations of Maldon and Heybridge. The development of an additional 1138 dwellings without adequate and deliverable</li> </ol> | <ol style="list-style-type: none"> <li>1. There is no requirement for this site to provide a strategic flood alleviation scheme. It has previously been confirmed under OUT/MAL/15/00419 that the proposed SuDS would not prejudice and could be integrated with further off-site mitigation and alleviation measures.</li> <li>2. Please see section 5.3 of report.</li> <li>3. Please see section 5.9 of the report.</li> </ol> |

| Name of Parish / Town Council | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Officer Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               | <p>facilities will further exacerbate this situation.</p> <p>4. Subsequently the Parish Council has considered the comments made by Essex County Council Lead Local Flood Authority letter dated 2nd August 2019. The Parish Council would also consider the comments made by Essex County Council to be infinitely sensible and would also like to seek assurance that those requirements are met (relates to wording of conditions).</p> <p>5. In further consideration of comment number 1 above the Environment Agency (EA) continues to work with Maldon District Council and the ECC Lead Local Flood Authority and have reduced many options for Flood relief in Heybridge down to two. One of these options is a capture and divert scheme to be based a Langford and the EA are investigating funding possibilities. During their presentation to the Anglian Eastern Regional Flood and Coastal Committee in June 2019 the EA presented on their National Flood and Risk Management Strategy and repeatedly cited the requirement for developers and planners to be fully participating in order to deliver a new National Strategy (EA Presentation available if required.)</p> <p>This Parish Council are very aware of the infrastructure opportunities envisaged by the North Heybridge Garden Suburb Master Plan and the Maldon and Heybridge Surface</p> | <p>4. Conditions have been recommended to secure the appropriate drainage system.</p> <p>5. Noted comments – please refer to sections 3.2 and 5.11 of the report. Furthermore the EA have confirmed in their consultation response that the developer’s proposals have no dependency on the wider flood alleviation measures because the application site lies outside of the flood risk areas and the developer has proposed measures to manage any potential changes to the rate of surface water leaving their site as a consequence of their development.</p> <p>Shortlisted options for flood alleviation measures also lie outside of the red line boundaries submitted for the planning application and therefore should not provide any constraints to the delivery of the development as working areas would not</p> |

| <b>Name of Parish / Town Council</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                       | <b>Officer Response</b>                                                                                                                          |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
|                                      | Water Management Plan and do not feel that these opportunities have been fully considered in the application. We would urge Maldon District Council, the EA, the Lead Local Planning Authority to reconvene with Countryside Properties and associated Land Owners to deliver the opportunities that this Parish have been promised. | be shared should the construction of flood alleviation work occur at the same time as the development associated with this planning application. |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Officer Response</b>                                                      |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Anglian Water                                           | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected)</p> <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. |
| Braintree District Council                              | No comments to make.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Noted.                                                                       |
| Cadent Gas                                              | No objections to the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Noted.                                                                       |

| Name of Statutory Consultee / Other Organisation     | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Officer Response                                                      |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Essex County Council Archaeology                     | <p>The proposed development is located within an area of highly significant archaeological deposits. There is extensive evidence for the settlement of this area, particularly for the prehistoric, Roman and Saxon periods.</p> <p>It is therefore recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. Given the scale of the development and the probable time-scales involved, a phased condition has been recommended in order to enable both the archaeological work and the development to proceed in a timely manner.</p>                                                                                                                                                                                                                                                             | Addressed within report at section 5.17 and conditions set out below. |
| Essex County Council Economic growth and Development | <p>As per the spatial strategy contained in the Maldon District Local Plan there is an identified need for a primary school and two 56 place early years and childcare facilities as well as contributions towards the expansion of The Plume School and ensuring a safe walking route to this school.</p> <p>It is not possible at this outline stage to give a precise figure for the number of children and young people that would be generated by this proposed development as the planning application does not provide an indication of the housing mix.</p> <p>The planning application includes land for a primary school with a co-located EY&amp;C facility as well as a stand alone EY&amp;C facility. The previous submitted land compliance study recommended that the school site is acceptable subject to a number of detailed design issues</p> | Addressed in sections 5.7 and 5.32 of the report.                     |

| Name of Statutory Consultee / Other Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Officer Response                                  |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
|                                                  | <p>being resolved and pre-site transfer preparation works being completed by the developer. There are two alternative sites proposed for the stand alone EY&amp;C facility and the view of ECC is that the site to the west would be more appropriate subject to the land suitability. These matters, along with any other obligations required to make the sites comply with ECC and Department for Education guidance can be secured through the S106 agreement.</p> <p>The contributions for the new primary school would be £16,435.52 per pupil place and for the co-located EY&amp;C facility would be £20,403.92 per pupil place, with a cost per place for the additional EY&amp;C pupils of £20,514.97. In addition the secondary school costs per place would be £23,214. All contributions should be indexed to April 2019.</p> |                                                   |
| Essex County Council SuDS                        | Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application raise no objection to the granting of planning permission subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Addressed in section 5.11 of the report.          |
| Essex County Fire and Rescue Services            | More detailed observation on access and facilities for the Fire service will be considered at Building Regulation consultation stage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Noted.                                            |
| Essex County Council Highways                    | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected)</p> <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</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Addressed in section 5.13 and through conditions. |

| Name of Statutory Consultee / Other Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                       | Officer Response                                                         |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
|                                                  | <p>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> |                                                                          |
| Essex County Council Minerals and Waste          | In light of the proposed development site being allocated in the adopted Maldon Local Plan, Essex County Council acting as the Minerals Planning Authority has no comment to make on the application.                                                                                                                                                                                         | Noted.                                                                   |
| Essex Libraries                                  | Requests that a consideration is made to the Library Service for the effect that the intake on new residents to the community will have on the current provision.                                                                                                                                                                                                                             | Noted - Not an identified infrastructure requirement of the development. |
| Essex Police Designing out Crime                 | Would welcome opportunity to assist the developer achieving a Secured by Design award.                                                                                                                                                                                                                                                                                                        | Noted – relevant to detailed design stage at reserved matters.           |
| Essex Wildlife Trust                             | <p>Object to this application for the following reasons:</p> <ul style="list-style-type: none"> <li>• Ecological survey data are out of date</li> <li>• Lack of suitable mitigation for priority farmland bird species</li> <li>• No evidence to support claim that project will deliver a biodiversity net gain</li> </ul>                                                                   | Addressed in section 5.21 of the report.                                 |
| Essex and Suffolk Water (E&SW)                   | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected)</p> <p>Existing apparatus does not appear to be affected by the proposed development [however] the proposed outfall to the Chelmer and</p>                                                                                                                                                                          | Covered under other legislation.                                         |

| Name of Statutory Consultee / Other Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Officer Response |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|                                                  | <p>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>                                                                                                                                                                                                                                                                                                                                                                                         |                  |
| Environment Agency (EA)                          | <p>No objection to the proposal subject to conditions relating to contamination.</p> <p>The EA also advise that the developer’s proposals have no dependency on the wider flood alleviation measures because the application site lies outside of the flood risk areas and the developer has proposed measures to manage any potential changes to the rate of surface water leaving their site as a consequence of their development.</p> <p>Shortlisted options for flood alleviation measures also lie outside of the red line boundaries submitted for the planning application and therefore should not provide any constraints to the delivery of the development as working areas would not be shared should the construction of flood alleviation work occur at the same time as the development associated with this planning application.</p> | Noted.           |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Officer Response</b>                                                                                                                                                                                |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Forestry Commission                                     | 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. An appropriate buffer around the wood would be provided.                                                                                                                                        |
| Historic England                                        | Historic England has no objection to the application on heritage grounds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Noted.                                                                                                                                                                                                 |
| Highways Agency                                         | No objection to the proposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Noted.                                                                                                                                                                                                 |
| Natural England                                         | <p>Identified that this development site falls within the 'Zone of Influence' (ZoI) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).</p> <p>Advise that it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.</p> <p>Advise that the Council must undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation and record this decision within the planning documentation.</p> | Addressed in section 5.21 of report. A Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) has been undertaken and sent to Natural England. Any further comments will be reported. |

| Name of Statutory Consultee / Other Organisation | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer Response                                                                                                                                  |
|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| NHS                                              | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected).</p> <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>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> | <p>Addressed in section 5.9 of report. Matters will be dealt with through S106 legal agreement – exact wording is currently under discussion.</p> |
| Ramblers Association                             | <p>Request that any development takes into consideration continued access to any existing Public Right Of Way for multipurpose, recreational use. Both during and following completion of the development. This may require diverting existing routes and developing new routes.</p> <p>Recommends that the opportunity is taken to enhance the Public Right of Way network.</p>                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Addressed within the report.</p>                                                                                                               |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Officer Response</b>                       |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Royal Society for the Protection of Birds (RSPB)        | <p>Object to this application.</p> <p>The breeding bird survey information indicates that the areas in question support populations of Corn Buntings. This is a farmland bird which has undergone a national decline of 90%. Coastal Essex is one of the remaining strongholds for this species.</p> <p>Surveys will need to be updated in accordance with CIEEM guidelines and mitigation needs to be appropriate in order to meet a net gain in biodiversity.</p> | Addressed in section 5.21 of the report.      |
| Sport England                                           | Sport England would make no objection to the application, subject to conditions being imposed on any planning permission relating to the provision of the playing fields in line with their previous consultation reply to OUT/MAL/15/00419.                                                                                                                                                                                                                        | Addressed with in section 5.20 of the report. |

### 7.3 Internal Consultees (summarised)

| <b>Name of Internal Consultee</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                 | <b>Officer Response</b>                             |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Economic Development              | Recommend this proposal as it would bring additional economic growth to the Maldon District through the creation of jobs during construction and in respect of its proposed commercial aspects and the additional income that would be generated through the additional residents to the area.                 | Noted.                                              |
| Environmental Health              | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected)</p> <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</li> </ul> | Addressed within the report and through conditions. |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Officer Response                                        |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                            | <p>proposed residential dwellings.</p> <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> |                                                         |
| Strategic Housing          | <p>The affordable housing requirements for this development identified in the Approved Local Development Plan 2014 - 2029 require a provision of 30% affordable housing to be provided on site which equates to 341.4 properties.</p> <p>Whilst discussions are currently ongoing with regards to the Section 106 Agreement, the Applicant is proposing to provide 30% affordable provision and therefore Strategic Housing fully Supports this Application which will provide affordable housing to meet the needs of the district.</p>                                                                                                                                                                                                                                                                                                                                                                   | The comments are noted and addressed within the report. |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Officer Response                                                                                                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tree Officer               | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected).</p> <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> | <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.</p> |

| Name of Internal Consultee     | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Officer Response                                                                            |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Local Plan Specialist          | <p>If the hybrid application is approved the submitted Design Parameter Plans become the rules of the outline application and will inform Reserved Matters applications.</p> <p>Remains concerned that D1 and C2 land uses (and their necessary infrastructure – parking for staff and visitors plus amenity space) are within land allocated (in Masterplan and Strategic Design Code Structuring Plan) for C3 residential land use parcels to accommodate the proposed 1138 dwellings in specific Character Areas. D1 and C2 land use will have a large land take from the residential parcels. This could affect residential density.</p> <p>Subject to amendment of Building Heights Parameter Plan Drawing No. PRM-04 Rev P with the words ‘up to’ in front of each building heights range to allow for bungalow on the site and relevant conditions no objection is raised to the part outline part detailed (hybrid) application.</p> | Noted – Comments addressed in sections 5.3 and 5.14 of the report.                          |
| Waste and Street Scene Manager | <p>Previous consultation reply for OUT/MAL/15/00419 (no changes expected)</p> <p>There is currently insufficient information to enable detailed consideration but the Design Guide for Planning and Waste Management should be followed in future submissions.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Noted. Conditions are suggested to address this matter as far as possible at outline stage. |

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

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

| Objection Comment                                                                                                                                                                            | Officer Response                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Increased noise pollution - The ‘Sound proofing’ banks are the other side of the road to the existing properties along Langford Road. Concerns whether this would comply with WHO standards. | See sections 5.18 and 5.24 of report.                                                                                                                                                   |
| Noise pollution generated from a large development will be ongoing for several years causing distress to local residents.                                                                    | A Construction Environmental Management Plan would be required as part of any consent granted which would minimise disruption as much as possible.                                      |
| Light pollution generated from lamp posts placed on roundabout. Light pollution encroaching on property.                                                                                     | See sections 5.18 and 5.26 of report.                                                                                                                                                   |
| No detailed landscaping or planting to the west of the development.                                                                                                                          | Detailed landscaping would form part of any reserved matters applications.                                                                                                              |
| Security aspects of existing properties.                                                                                                                                                     | Reserved matters applications will assess the detailed layout.                                                                                                                          |
| Increased traffic will generate further pollution affecting the quality of life for the occupiers of existing properties.                                                                    | See sections 5.23 and 5.24 of report.                                                                                                                                                   |
| Proposed road junctions are dangerous and the proposed relief road is not sympathetic to the local environment and will do little to ease the already overburdened roads.                    | See section 5.13 of report.                                                                                                                                                             |
| Current road layout over old railway bridge is very narrow and cannot cope with extra increase in traffic and potential accidents.                                                           | Please see section 5.13 of report.                                                                                                                                                      |
| Why can the relief road be extended over green field land when a recent application was refused in Maypole road for being outside the development area.                                      | All applications have to be considered on their merits and this application relates to a strategic allocation under the approved Maldon District Local Plan.                            |
| All current roads leading to the proposed development are extremely busy and are not capable of handling more traffic.                                                                       | Please see section 5.13 of report.                                                                                                                                                      |
| The relief road should be built before any development takes place.                                                                                                                          | The relief road will be delivered early on in the development as part of an agreed phasing plan and would be fully completed prior to the occupation of the 350 <sup>th</sup> dwelling. |
| Flood alleviation scheme is not adequate, and does not include all areas affected by the proposed development                                                                                | There is no requirement for this development to provide a flood alleviation scheme.                                                                                                     |

| <b>Objection Comment</b>                                                                                                                                                                                                      | <b>Officer Response</b>                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lack of clarity and definition with regards to the surface water and flooding issue. The intention of the developer seems to allow surface water to enter the existing drainage system which is currently not fit for purpose | Please see section 5.11 of report.                                                                                                                                                                                            |
| Developers should ask the Environment Agency to reinstate its proposal to pay for the majority of the original flooding relief plan.                                                                                          | There is no requirement for this development to provide a flood alleviation scheme.                                                                                                                                           |
| The concrete resulting from the development will cause run off of surface water into the already overflowing ditch.                                                                                                           | Please see section 5.11 of report.                                                                                                                                                                                            |
| The applicant submitted a report to show there is no additional risk of flooding, does MDC have the expertise to challenge this.                                                                                              | MDC undertake a full consultation on the application including the Lead Local Flood Authority (ECC SuDs team) and the Environment Agency.                                                                                     |
| Development does not comply with S4 of the LDP                                                                                                                                                                                | Please see section 5.11 of report.                                                                                                                                                                                            |
| How can the applicants be certain that their SUDs scheme will be compatible with a future FAS when there are no details available.                                                                                            | Please refer to Environment Agency consultation reply.                                                                                                                                                                        |
| The LDP should remove the NHGS as its promotion was a primarily based on the provision of a Flood Alleviation Scheme                                                                                                          | The site has been allocated as the appropriate location for this scale of development in the Approved LDP.                                                                                                                    |
| NHGS is unsuitable for the area                                                                                                                                                                                               | The site has been allocated as the appropriate location for this scale of development in the Approved LDP.                                                                                                                    |
| Should there be another 'danger of death' communication and evacuation due to flooding as in 2013, there will be too many people to evacuate safely and no facilities large enough to hold the increased population.          | The application site is not located within a Flood Risk Zone as per the Environment Agency flood maps. Furthermore the site has been allocated as the appropriate location for this scale of development in the Approved LDP. |
| Will impact the character and landscape of the countryside                                                                                                                                                                    | Please see section 5.15 of report.                                                                                                                                                                                            |
| Loss of view of countryside                                                                                                                                                                                                   | Please see section 5.15 of report.                                                                                                                                                                                            |
| The development is not needed as the new development in Holloway Road is struggling to attract buyers.                                                                                                                        | Please see sections 5.1 and 5.2 of report.                                                                                                                                                                                    |
| Lack of infrastructure to cope with new development. Schools and doctors are at maximum capacity. Broomfield hospital cannot cope with increased population.                                                                  | Please see sections 5.7, 5.9 and 5.32 of report.                                                                                                                                                                              |
| The application appears to be the same as the refused scheme currently at appeal.                                                                                                                                             | This application has been re-submitted with additional information with the aim of addressing the reason for refusal on the previous scheme.                                                                                  |
| A road will be built through an existing                                                                                                                                                                                      |                                                                                                                                                                                                                               |

| <b>Objection Comment</b>                                                                                         | <b>Officer Response</b>                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| footpath which is not satisfactory for walkers, children or animals.                                             | Please see sections 5.15 and 5.20 of the report.                                                                                                                                                                                                              |
| The scale of the development is excessive for the area.                                                          | The site has been allocated as the appropriate location for this scale of development in the Approved LDP.                                                                                                                                                    |
| Concern that flats will be proposed as they would be out of character with the area.                             | The residential element of the application is outline only. However the submitted building heights parameter plan allows for up to 3 storey within certain residential areas. Please see section 5.14 of the report.                                          |
| RSPB object to the proposal                                                                                      | Noted. Please see section 5.21 of the report.                                                                                                                                                                                                                 |
| Loss of historical value                                                                                         | Please see section 5.16 of the report.                                                                                                                                                                                                                        |
| The development will affect Heybridge Woodland and will be detrimental to the wildlife inhabiting the woodland.  | Please see section 5.21 of the report.                                                                                                                                                                                                                        |
| The housing density has increased and therefore the principles of the Garden Suburb have been compromised        | Please see section 5.3 of the report.                                                                                                                                                                                                                         |
| The development is within a conservation area and should be protected from development.                          | Please see section 5.16 of the report.                                                                                                                                                                                                                        |
| The development is not for local requirement but for London overspill.                                           | Please see sections 5.1 and 5.2 of report.                                                                                                                                                                                                                    |
| Lack of transport facilities.                                                                                    | Please see section 5.13 of report.                                                                                                                                                                                                                            |
| The offer of free bus travel should be extended to existing Heybridge residents.                                 | The Residential Travel Information Pack for sustainable transport would be to new residents to encourage the use of public transport. It would include a number of free passes to encourage use of the bus network with the aim of encouraging long term use. |
| Concerns over the funding of the proposed primary school and doctors surgery.                                    | Please see sections 5.7, 5.9 and 5.32 of report.                                                                                                                                                                                                              |
| Given the scale of the proposal the developer should be providing a D1 use hall for groups and societies to use. | Identified infrastructure improvements required are defined within the IDP. The Local centre part of the development would have the potential to allow for community uses.                                                                                    |
| The Council should back the NHS and state that the medical facilities must be included in the development.       | Please see section 5.9 of report.                                                                                                                                                                                                                             |

- 7.4.2 A number of letters were received **commenting** on the application and summarised as set out in the table below:

| <b>Comment</b>                                                                                                                       | <b>Officer Response</b>                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Current flooding issues will be aggravated by the development                                                                        | Please see section 5.11 of report                                                                                                            |
| Developers should ask the Environment Agency to reinstate its proposal to pay for the majority of the original flooding relief plan. | There is no requirement for this development to provide a flood alleviation scheme.                                                          |
| The application appears to be the same as the refused scheme currently at appeal.                                                    | This application has been re-submitted with additional information with the aim of addressing the reason for refusal on the previous scheme. |
| Traffic congestion is already a major concern                                                                                        | Please see section 5.13 of report                                                                                                            |
| No information regarding the Flood Alleviation Scheme                                                                                | There is no requirement for this development to provide a flood alleviation scheme.                                                          |
| Development does not comply with S4 of the LDP so should be refused                                                                  | Please see section 5.11 of report                                                                                                            |
| The housing density has increased so this application is no longer a NHGS                                                            | Please see section 5.3 of report.                                                                                                            |
| The land is within a Nature Conservancy Zone and partly within a Special Landscape Area                                              | Please see sections 5.15 and 5.21 of the report.                                                                                             |
| S106 funding can be used to improve and maintain the accessibility and surface of the Blackwater Rail Trail.                         | Identified infrastructure improvements required are defined within the IDP.                                                                  |

## 8. **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):

#### **Public Transport:**

- Contribution to Public Transport Improvements.

#### **Travel Plan:**

- 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 contribution.
- Secondary school Plume Upper School contribution.

#### **Youth and Children's Facilities:**

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

#### **Health:**

- Healthcare facility and contribution to medical facilities to serve North Heybridge.

#### **Green and Blue infrastructure:**

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

#### **Affordable Housing:**

- 30% scheme wide.

#### **Biodiversity and Ecology**

- Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contribution
- Details of the management of Heybridge Wood.

### **CONDITIONS:**

#### **Section A – Time Limits, Approved Plans and Implementation**

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-A010B - 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).

- 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).
- 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).
- 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).
- The development hereby permitted shall be begun before the expiration of two years from the date of approval of the first of the Reserved Matters to be approved.  
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).
- The reserved matters shall be carried out substantially in accordance with the details stated within the submitted Design and Access Statement and shall be in accordance with the following approved Drawings:
  - 'Design Parameter Plan - Land Use' (Ref PRM-01 Rev R)

- 'Design Parameter Plan - Building Heights' (Ref PRM-04 Rev Q)
- 'Design Parameter Plan - Residential Density' (Ref PRM-05 Rev Q)
- 'Design Parameter Plan – Green and Blue Infrastructure' (Ref PRM-02 Rev W)
- 'Design Parameter Plan – Access and Movement' (Ref PRM-03 Rev P)

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.

### **Section B – Pre-Commencement Conditions:**

8. No development within any part of the site or phase of development (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 part of the site or phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following aspects of construction:
  - a) Indicative construction and phasing programme for that phase / part of the development.
  - b) Details of the location of the construction compound with boundary / security details, 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 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) Procedures for dealing with any unexpected contamination that may be encountered during the construction process.
  - g) Construction Ecological Management Plan, including details for mitigating the effects of construction on habitats and protected species in line with the assessment set out in the Environmental Statement.
  - h) Measures for protecting trees and hedgerows during construction.
  - i) Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibrations from plant, construction equipment and vehicles.
  - j) Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding.

- k) Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highways, diversions and road closures, temporary signage, delivery areas and parking spaces for visitors and on site workers, and the 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 relevant phase of the development/part of the site to which it relates and shall remain in force for the duration of the construction period of that phase/part of the development. All construction infrastructure shall be removed from the site within three months of completion of the corresponding phase/part of the development.

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.

9. No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment (prepared by an accredited archaeological consultant) to establish the archaeological significance of the site has been submitted to the Local Planning Authority and approved in writing. 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 the approved programme of archaeological work.

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

10. No development within any part of the site or on any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to condition 12) shall take place until a surface water drainage scheme for that part of the site/phase of the site, based on sustainable drainage principles and an assessment of the hydrological and 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:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 1 in 1 Greenfield runoff rates for all storm events up to and including the 1 in 100-year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Required allowance of urban creep should be included in storage calculations.

- Please demonstrate all storage features should half empty with 24 hours for critical storm event 1:100 plus 40% climate change, in order to meet LLFA half drain time requirement.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The 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.

11. No development shall commence within any part of the site or on any Phase of the development until a Maintenance Plan detailing the maintenance arrangements including details of who is responsible for the management and maintenance of all watercourses and different elements of the surface water drainage system 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 Plan shall be implemented following first use / occupation of any property within that phase of the development/part of the site 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.

### **Section C – Details Required Prior to (or Concurrently with) the first Reserved Matters Application.**

- 12 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 development (including the Local Centre and education facilities) and the means by which vehicular access to each phase will be achieved;
- d) The green infrastructure, including the sequencing of play space, playing pitch, youth facilities and allotment provision;
- e) Strategic footpath and cycleway provision/crossings (both on and off- site) in accordance with the Access and Movement Parameter Plan.
- f) The phasing of strategic foul and surface water features, including Sustainable Drainage System (SUDs);
- g) Structural landscaping/planting provisions;
- h) Environmental mitigation measures;
- i) 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.

- 13 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) 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 following the submission of revised details pursuant to this condition, 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.

- 14 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 12), 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, 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 relating to that phase 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.

#### **Section D – Other Commencement / Occupation Related Requirements**

- 15 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 at Appendix A Figure 3, by Richard Jackson Ltd until a Phase 2 intrusive investigation and report into potential land contamination has been carried out. 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.

- 16 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.

- 17 No building intended for use for purposes falling within Use Classes A1, A2, A3, A4, A5, C2, C3, D1 or D2 as defined by the Town and Country (Use Classes) Order 1987 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.

- 18 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.

19. 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, other than

those trees listed in Table 5 at Appendix 6 of the Arboricultural Impact Assessment dated 23/04/15 (Ref DFC 1247) and which fall within the area for the construction of the Relief Road as hatched red in the tree protection plans at Appendix 5 of that document. 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 / removed;
- 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/hedgerows within that reserved matters area have been erected in accordance with the details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, 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.

- 20 Prior to first residential occupation in any Phase of the development (as defined by the Strategic Phasing Plan to be approved pursuant to Condition 12) 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 relating to that Phase of the development, and which shall be provided prior to the occupation of any dwelling within the relevant Phase. 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.

- 21 Prior to the occupation of the 100th dwelling hereby approved 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.

- 22 Prior to the occupation of the 350th dwelling hereby approved 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.
- 23 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.
- 24 The monitoring scheme agreed pursuant to Condition 23 shall not commence 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 of the dwellings hereby approved shall be occupied until the Local Planning Authority have confirmed in writing as to whether the scheme approved pursuant to Condition 23 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 23 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.

- 25 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 1,100th dwelling at the application site or some other time period as may be agreed in writing by the Local Planning Authority in connection with any details submitted pursuant to this condition.  
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.

- 26 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.
- 27 After the occupation of the 500th dwelling but prior to the occupation of the 750th 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 751st 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.

#### **Section E – Matters to be included in Reserved Matters applications**

- 28 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.
- 29 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 P '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.

- 30 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.

- 31 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.

- 32 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 (included within the Design and Access Statement). The details shall be accompanied by a Landscaping Statement that demonstrates how the landscaping scheme accords with the Council's endorsed Strategic Design Code. The landscape designs and specifications for that reserved matters site shall include the following:

Soft Landscaping

- 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. Scaled plans to show cross-sections of mounding, ponds, ditches and swales and proposed treatment of the edges and perimeters of the site.
- The landscape treatment of roads (primary, secondary, tertiary and green) through the reserved matters site.

- A specification for the establishment of trees within hard landscaped areas including details of space standards (distances from buildings etc.) and tree pit details.
- The planting and establishment of structural landscaping to be provided in advance of all or specified parts of the reserved matters site as appropriate.
- Full details of any proposed alterations to existing watercourses / drainage channels
- 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

- 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.
- Full details, including cross-sections, of all bridges and culverts.
- Utility routes, type and specification.
- The location and specification of minor artefacts and structures, including furniture, refuse or other storage units, signs and lighting columns / brackets.
- 1:200 plans (or at a scale otherwise agreed) including cross sections, of roads, paths and cycleways.
- Details of all hard surfacing materials (size, type and colour)

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

- 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);

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. The agreed Management and Maintenance Plan shall also be implemented in accordance with the agreed schedule and shall remain in place in perpetuity.

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.

- 33 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.

#### **Section F – Compliance Conditions**

- 34 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.
- 35 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.
- 36 Prior to the installation of any external lighting (other than street lighting to adopted road or domestic security lighting), a lighting strategy for that phase of the development (as agreed pursuant to condition 12 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.

37 Pursuant to Condition 11 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.

38 The development shall be carried out in accordance with the housing mix as stated below:

| Bedrooms | Percentage        |
|----------|-------------------|
| 1 or 2   | Minimum (min.) 50 |
| 3        | Minimum (min.) 30 |
| 4+       | No more than 20   |

REASON To ensure that the housing mix of the development accords meets the needs of the District in accordance with Policy so H2 of the Approved Maldon District Local Development Plan.

39 Not less than 4% of the dwellings hereby approved shall be smaller dwellings (1 or 2 bedroom) that do not exceed single storey in height.

REASON To ensure that the housing mix of the development accords meets the needs of the District in accordance with Policy so H2 of the Approved Maldon District Local Development Plan

#### **Section G – Conditions Specific to the Playing Fields**

40 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 12. 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

- 41 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.
- 42 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.  
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.

## **Section H - Conditions Specific to the Local Centre**

- 43 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.
- 44 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.
- 45 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.

- 46 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.

- 47 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.

- 48 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.