

**CIRCULATED PRIOR
TO THE MEETING**



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

to
**DISTRICT PLANNING COMMITTEE
19 SEPTEMBER 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	OUT/MAL/19/00741
Location	Land At Broad Street Green Road, Maypole Road And Langford Road Great Totham / Heybridge Essex
Proposal	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).
Applicant	Countryside Properties & EC, MA & DC Watson & KL Watson-Knee
Agent	Mr Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	26 September 2019
Case Officer	Matt Leigh
Parish	Great Totham, Heybridge, Langford and Ulting
Reason for Referral to the Committee / Council	Environmental Impact Assessment Strategic site within the strategic submitted Local Development Plan Major Application

7 **CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 66 - 84)**

Further consultation replies have been received which are detailed below.

7.1 **Representations received from Parish / Town Councils (pages 66 – 69)**

Name of Parish / Town Council	Comment	Officer Response
Langford and Ulting Parish Council	<p>Raise no objection to the proposal but wish to make the following comments:</p> <ul style="list-style-type: none"> • Continued concerns regarding flooding. • The outline planning application does not mention the country park that was originally proposed. • Concerns about the impact of vehicular traffic on residents living along the B1019 who will be subjected to noise, light and air pollution. • Suggests provision of a park and ride scheme. • The Parish Council also strongly request that the current 40mph speed limit through Langford village is reduced to 30mph in accordance with the 30mph speed limit from the new roundabout, over the railway bridge and up to the village gateway. 	<p>Addressed in section 5.11 of the report.</p> <p>The provision of a Country Park has been removed from the Approved Local Development Plan (LDP).</p> <p>Noise issues are addressed in section 5.24 of the main report. Air quality is addressed in section 5.23.</p> <p>Noted but not part of this application</p> <p>Issues in relation the reduction of the speed limit within Langford are matters for the Highway Authority and cannot be considered as part of this application</p>

7.2 Statutory Consultees and Other Organisations (summaries) (Pages 69 – 76)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	<p>There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.</p> <p>The foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.</p> <p>Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.</p> <p>Requests conditions requiring a phasing plan and the foul water strategy to be submitted to and approved by the Local Planning Authority (LPA).</p>	<p>Noted.</p> <p>Noted and appropriate phasing and foul water conditions are recommended (conditions 12 and 17).</p>
Essex County Council (ECC) Highways	<p>No objection subject to conditions.</p> <p>The Highway Authority has carefully considered the information submitted with the application, which includes an updated Transport Statement. It is concluded that the proposal is not contrary to current National and Local policy and safety criteria and is to the satisfaction of the Highway Authority in terms of its impact upon</p>	<p>Not materially different to previous consultation response (in relation to OUT/MAL/15/00419) detailed in main report.</p> <p>Comments addressed in section 5.13 and through Conditions on main report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>the local highway network.</p> <p>The North Heybridge Relief Road and Passenger Transport Strategy will benefit both new residents and the existing local community.</p> <p>Given the package of appropriate mitigation, the Highway Authority has concluded that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.</p>	
ECC Sustainable Drainage Systems (SuDS)	<p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions.</p>	<p>It is noted that the conditions recommended by ECC SuDs team have been updated since the previous consultation response (August 2019).</p> <p>The updated conditions will be recommended and supersede the previous SuDs Conditions recommended on the main report (conditions 10 and 11). Please see additional assessment below.</p>
Natural England	<p>A further consultation reply has been received advising that they are satisfied that the mitigation described in the Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an ‘adverse effect on the integrity’ (AEOI) of the European designated sites that are included within the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS) from increased recreational disturbance.</p> <p>Advise that an appropriate planning condition or obligation is attached to</p>	<p>Covered in section 5.21 of the main report. Appropriate conditions to secure mitigation are recommended and the required financial contribution will be secured through the Section 106 legal agreement.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.	
NHS England	<p>A health care facility of up to 1,000m² (GIA) and associated external facilities to include car parking, ambulance bay, secure bin stores and hardstanding to facilitate the use of mobile units for screening and other health purposes on an ad hoc basis, along with a financial contribution towards the development costs of such facility.</p> <p>As described above as well as a land allocation, a developer contribution will be required to mitigate the impacts of this proposal. The Clinical Commissioning Group (CCG) calculates the level of contribution required, in this instance to be £430,721.</p> <p>The CCG therefore requests that that a land allocation and financial contribution be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.</p>	<p>Not materially different to previous consultation response (in relation to OUT/Mal/15/00419) detailed in main report.</p> <p>Addressed in section 5.9 of main report. Matters will be dealt with through Section 106 legal agreement – exact wording is currently under discussion.</p>

7.4 Statutory Consultees and Other Organisations (summaries) (Pages 80 - 83)

7.4.1 Further 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
Disputes that the proposed development would bring any advantages to the existing residents of Heybridge.	Please see section 5.34 of main report for overall conclusion and balancing exercise.
Land subject to this application has serious surface water issues and is not	Please see section 5.11 of the main report.

Objection Comment	Officer Response
suitable for building on.	
This is the third in a series of submitted Planning Applications by the developer and yet still has many areas of outline plans. Would expect the applicant to be in a position to state in their Planning Application exactly what they wish or intend to build on the site.	The application is a hybrid application which is normal for strategic developments of this scale.
The amount of water leaving the development could still have the potential the cause flooding as at the present time.	Please see section 5.11 of the main report.
Concern that the local road network is not being upgraded to cope with the definite large influx of road vehicles in and around Heybridge from the development and local traffic.	Please see section 5.13 of the main report.
Application is the same as the one that was refused.	Please see section 3.2 of the main report.

5 SUMMARY (PAGES 19 - 65)

5.1 Flood Risk and Sustainable Urban Drainage (pages 37 – 41)

A further consultation reply has been received from the ECC SuDS Team as the Lead Local Flood Authority (LLFA) which updates the wording of two of the conditions they have recommended be attached to any permission granted. The updated conditions relate to conditions No. 10 and 11 and it is recommended that those in the main report be replaced by revised conditions detailed below. The LLFA advise that the updated conditions better reflect the site specific concerns associated with the proposed development.

10 PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF SECTION 106 AGREEMENT (PAGES 83 - 100)

CONDITIONS:

The following conditions have been updated:

- 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:

- 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.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10-year event may be considered acceptable.
- 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 National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG).

- 11 The management and maintenance of watercourses within the site and the sustainable urban drainage network to be provided shall be in accordance with the general provisions of the SuDS Maintenance Proposals dated June 2019 submitted with the planning application. Prior to commencement of development within any part of the site or on any Phase of the development a Management and Maintenance Plan containing further specific details identifying who is responsible for the management and maintenance of all aspects of the proposed SuDS network within that part of the site / phase of development shall be 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.