Application Number | FUL/MAL/15/00885  
Location | Land West Of Broad Street Green Road Heybridge Essex  
Proposal | Development for 145 residential dwellings with associated landscaping, open space, access, parking and ancillary infrastructure including pumping station.  
Applicant | Persimmon Homes  
Agent | Mr Mark Furlonger - Temple Group  
Target Decision Date | 11 December 2015  
Case Officer | Debi Sherman, TEL: 01621 875862  
Parish | HEYBRIDGE WEST  
Reason for Referral to the Committee / Council | Environmental Impact Assessment Strategic Site within the submitted Local Development Plan Departure from the Local Plan 2005 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.

2. **SITE MAP**

   Please see overleaf.
3. **SUMMARY**

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

3.1.1 The application site measures 5.97 hectares in area. The site is part of the North Heybridge Garden Suburb. This detailed scheme proposes 145 no. dwellings in the form of detached, semi-detached terraced houses as well as flats. Properties would not exceed two and half storeys in height.

3.1.2 The site is bounded by open farmland to the north, Broad Street Green Road to the east, Heybridge Wood to the west and existing residential development to the south.

3.2 **Conclusion**

3.2.1 The application site is allocated as site S2(e) in the submitted Local Development Plan (LDP) for the development of a minimum of 100 dwellings. The site is one of three strategic allocations that make up the Garden Suburb. The principle of development is therefore established in the submitted LDP, 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 five year housing land supply.

3.2.2 A resolution to grant outline planning permission was made for one of the other sites that make up the Garden Suburb, Site S2 (c) at the Extraordinary Meeting of Council on 31 March 2016 (OUT/MAL/14/00990). An outline planning application is currently under consideration for the remaining site S2(d) (OUT/MAL/15/00419).

3.2.3 Although the proposed open market housing mix is not fully compliant with the requirements set out in the Strategic Housing Market Assessment (SHMA), the level of affordable housing and mix proposed is broadly compliant with the SHMA and LDP Policy H1.

3.2.4 The scale of development exceeds the minimum level of growth proposed in the submitted LDP. The proposed development responds appropriately to the townscape, character, and historic environment within the surrounding area, and the overall design of the proposed development responds positively to the National Planning Policy Framework (NPPF) paragraphs 60 and 61, creating good design which integrates and connects the development to the natural, built, and historic environment.

3.2.5 The proposed layout includes a public open space across the site, surrounding a number of Sustainable Drainage System (SuDS) attenuation basins. The proposed SuDS arrangements and amount of public open space provided within the development are considered acceptable.

3.3 **Application for determination**

3.3.1 The application seeks planning permission for residential development comprising:

- 145 new dwellings, of which 40% are proposed to be affordable homes;
- New access into the site from a proposed junction onto Broad Street Green Road;
• Landscaping and balancing ponds;
• Areas of public open space areas;
• Local play area; and
• Pedestrian and cycle links through the site connecting the remainder of the Garden Suburb with existing residential development and Broad Street Green Road.

3.4 Housing Mix

3.4.1 The proposed housing mix includes:

a) 87 market dwellings, including the following:
   • 7 two bed houses;
   • 13 three bed houses;
   • 33 four bed houses;
   • 14 five bed houses.

b) 58 affordable dwellings, including the following:
   • 8 one bed two person flats;
   • 8 two bed four person flats
   • 31 two bed four person houses;
   • 11 three bed five person houses.

3.5 Design

3.5.1 The Design and Access Statement submitted as part of the application outlines the design principles used within the proposed development. The Statement notes that the proposed layout has been created to reflect the design principles of the Garden Suburb. The development has been designed to:

• create a landscape dominated approach into Heybridge along the Broad Street green Road frontage.
• provide an integral system of open spaces and green links of strategic planting along with the adjoining landscape establishing a system of green corridors.
• create residential development of varying density and character, enhancing local distinctiveness and street tree planting.
• enhance biodiversity with areas of ecological mitigation to improve areas for protected species.
• the layout aims to create a legible residential environment with logical traffic and pedestrian movement.
• provide a hierarchy of road networks, incorporating shared surfaces, private drives and safe pedestrian/ cycle routes through the site and to link with the wider Garden Suburb.

3.5.2 The overall gross density of the proposed development would be 24 dwellings per hectare which seeks to reflect the suburban/rural nature of the area. The design of
dwellings includes a range of two and two and a half storey detached, semi-detached houses and 4 no. blocks of two storey flats. The application includes a mixture of house types, with finishes including red brick, buff brick, black / cream weatherboarding, red tiles and slate.

4. **MAIN RELEVANT POLICIES**

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

4.1 **National Planning Policy Framework 2012 including paragraphs:**
- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 4 – Promoting Sustainable Development
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Section 11 – Conserving and Enhancing the Natural Environment
- Decision Taking
- Annex 1 - Implementation

4.2 **Maldon District Replacement Local Plan 2005 – Saved Policies:**
- S1 - Development Boundaries and New Development.
- S2 - Development Outside Development Boundaries.
- CON5 – Pollution Prevention.
- CC5 – Protection of Wildlife on Development Sites.
- CC6 - Landscape Protection.
- H1 – Location of New Housing.
- H6 – Housing Density.
- H9 – Affordable Housing.
- H10 – Rural Exception Sites.
- BE1 – Design of New Development.
- BE3 – Public and private amenity spaces.
- BE18 – Control of Development at a Site of Local Archaeological Value.
- REC3 – Children’s Play Space associated with new housing developments and elsewhere in the district.
- T1 – Sustainable Transport and Location of New Development.
- T2 – Transport Infrastructure in New Developments.
- T6 - Improvement to Pedestrian Facilities.
- T8 - Vehicle Parking Standards.
- PU1 – Provision of Educational Facilities.
4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- 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
- 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

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- North Heybridge Garden Suburb Strategic Masterplan Framework

4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- 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 (IDP), and are subject to final agreement within the S106 agreement):
- Highways infrastructure towards the following projects:
  - North Heybridge relief road,
  - Public transport improvements to serve North Heybridge Garden Suburb (GS),
- Education contributions towards the following projects:
• 56-place Early Years and Childcare (EY&C) facility,
• 210-place (1FE) primary school,
• Teen shelters, skateboard facilities and access to shared community facilities,
• Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Areas for Play (LEAPs);
• Medical facilities to serve North Heybridge GS,
• Allotments to serve North Heybridge GS,
• 40% affordable housing.
• Monies towards the provision and implementation of a Residential Travel Plan including monitoring fee to Essex County Council and the provision of a Travel Plan Co-ordinator to give advice.
• Monies towards the provision and implementation of a Residential Travel Information Pack for sustainable transport, to include six one day travel vouchers per dwelling, for use with the relevant local public transport operator.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application site lies outside of the defined development boundary for Heybridge.

5.1.2 Policy S2 of the Replacement Local Plan (RLP) provides the strategic position for the District through defined development boundaries for villages / urban areas within the District and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy H1 does not allow new housing outside development boundaries unless it complies with other policies in the Local Plan. The proposal is contrary to policies S2 and H1 because the site is located outside of the development boundary for Heybridge and is within the countryside.

5.1.3 The NPPF (paragraph 216) states that decision makers should give weight to relevant policies in emerging plans (such as the submitted Maldon District LDP), according to the stage of preparation, the extent of unresolved objections to relevant policies, and the degree of consistency with the NPPF. The more advanced the stage of preparation, the greater the weight that can be given; the less significant the unresolved objections, the greater the weight that may be given; and the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.

5.1.4 In terms of the progress of the LDP, the Plan has been published and submitted for Examination-in-Public (EIP). It has been the subject of extensive consultation at each stage of the Plan’s preparation. Public hearing sessions for the housing and infrastructure related policies (LDP Policy S1, S2, S3, S4, S6, S7, S8, H1, H2, H3, H5, H6, I1 and I2) took place between 20 January and 4 February 2015.
5.1.5 The Inspector issued his interim findings on 8 May 2015. Following this, the Secretary of State formally decided to call-in the Maldon District LDP under Section 21 of the Planning and Compulsory Purchase Act 2004 “to test whether the planning inspector has taken a proportionate and balanced view on the local plan as a whole in the light of national planning policy”. On 6 March 2016, the Council received a letter from the Secretary of State confirming that “it was not proportionate for the inspector to find the whole plan unsound because he had not examined the whole plan” and that the Council should be given the opportunity to rectify these issues by continuing the examination of the LDP. The Secretary of State has resumed the examination of the LDP and therefore the policies which have been subject to public hearings are at a very advanced stage in their preparation.

5.1.6 With regards to compliance with the NPPF, the LDP policies have been prepared in line with the NPPF requirements and are supported by a comprehensive and up-to-date evidence base, Sustainability Appraisal and extensive public consultation. Having regard to the Secretary of State’s letter, it is reasonable for the Council to afford the relevant LDP policies (as amended), with the exception of Policy H6, weight in decision making.

5.1.7 Based on the above considerations the Council is satisfied that material weight should be given to LDP Policies S1, S2, S3, S4, S8, H1, H2, H3, H5, I1 and I2 in decision making.

5.1.8 This application site therefore forms part of the Council’s five year land supply and the principle of development is established in the submitted LDP. Furthermore, the Council agreed in July 2014 to invite and proactively encourage the submission of planning applications which are in accordance with the submitted LDP in order to boost the five year supply of deliverable housing land and demonstrate the deliverability of the LDP (Minute No. 245 refers).

5.1.9 LDP policy S3 (Place Shaping) states that the Garden Suburbs and Strategic allocations at Maldon, Heybridge and Burnham-on-Crouch will be planned as high quality, vibrant and distinctive neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. Eleven development principles are contained within LDP policy S3. LDP policy S4 deals with the growth in the North Heybridge Garden Suburb. This application will therefore need to be assessed against these policies.

5.1.10 The proposal also has to be considered under national planning guidance and within the NPPF there is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF. The development therefore has to be assessed as a whole to determine whether it represents sustainable development.

5.2 **Sustainability**

5.2.1 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through the pre-amble to
policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan.

5.2.2 The proposed development is currently located on the edge of Heybridge, within reasonable walking distance from bus services, local shops, nurseries and primary schools. As part of the North Heybridge Garden Suburb the site will be within walking distance of the proposed local centre, education and community facilities, and well connected through proposed pedestrian and cycle links on the sites northern boundary.

5.2.3 As an allocation within the submitted LDP, the Council has acknowledged that the application site is a sustainable location for growth.

5.3 Housing Land Supply, Need, Mix and Affordable Housing

5.3.1 Paragraph 47 of the NPPF requires local planning authorities to identify an annual supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer as appropriate to comply with national policy.

5.3.2 The Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ worth of housing against the Council’s identified housing requirements. The Five Year Land Supply Statement (July 2015) has been updated in September 2015 and identifies 2,127 dwellings are deemed to be deliverable over the next five years (a 5% local slippage rate has been applied to the total number of housing deemed deliverable in the next five years). This represents a total of 5.35 years’ worth of housing land supply against an identified housing target of 1,881 dwellings over the next five years (a 5% buffer has been applied to the five year requirement in accordance with NPPF paragraph 47).

5.3.3 There are two main factors behind the rapid improvement of the Council’s housing supply. First of all in 2014 the Council resolved to invite and proactively encourage planning applications which are in accordance with Policy S2 of the LDP. The Council also resolved to proactively encourage planning applications which are considered to be sustainable and will contribute positively to the five year supply of deliverable housing land and will assist in demonstrating the deliverability of the LDP (Minute No. 245 refers). As a result of the Council’s proactive approach, by the end of March 2015 there are a total of 944 dwellings with extant planning permission, which is significantly higher than last year’s figure of 497 dwellings.

5.3.4 Secondly, the Council has made significant progress in bringing forward strategic allocations identified in the LDP. There are in total 11 strategic housing allocations in the LDP, including this application site, and planning permission has already been granted or resolved to be approved on three of these sites for a total of 1,348 new homes. Planning applications have also been submitted on five allocated sites, including this site (minimum 2014 new homes), and the Council expects planning applications on the three remaining sites in the near future (minimum 90 new homes). Given the progress made on these strategic allocations, and the Council’s intention to attribute weight to relevant housing policies in the LDP the Council considers that it is appropriate to include the LDP strategic allocations and windfall allowance into the Council’s five year housing land supply calculation.
5.3.5 The application site is allocated as site S2(f) in the submitted LDP for the development of 100 dwellings. This application site therefore forms part of the Council’s five year land supply.

5.3.6 There are no policies in the current Local Plan regarding housing mix but the submitted LDP policy H2 on housing mix requires all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The SHMA provides the evidence base to the policy. Paragraph 50 of the NPPF requires local authorities to “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community” and “identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand”.

5.3.7 The Council’s Strategic Housing Market Assessment (SHMA) identifies that for all housing types one and two bedroom units are required to balance the District’s housing stock, which currently provides an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are required. For market sector housing this includes one, two and three bedroom units with a surplus of four bedroom plus units in the District.

5.3.8 The proposed development would provide 145 dwellings of mixed size and accommodation. The table below shows the proposed housing mix:

<table>
<thead>
<tr>
<th></th>
<th>1 bed units</th>
<th>2 bed units</th>
<th>3 bed units</th>
<th>4 bed units</th>
<th>5 bed units</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Market Homes</td>
<td>0</td>
<td>20</td>
<td>55</td>
<td>23</td>
<td>10</td>
<td>108</td>
</tr>
<tr>
<td>Affordable Homes</td>
<td>30</td>
<td>35</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>72</td>
</tr>
</tbody>
</table>

5.3.9 The above housing mix for the affordable element of the scheme set out in the table above are in general accordance with the Council’s 2014 Strategic Housing Market Assessment (SHMA).

5.3.10 In relation to the open market element of the scheme, the housing mix provides a higher number of larger dwellings than the level recommended in the SHMA. The Council's Strategic Housing Services have not objected to, and fully support the application where a SHMA compliant mix is proposed for the affordable element of the scheme.

5.3.11 RLP Policy H9 requires the provision of 30% affordable dwellings across the District, and LDP Policy H1 requires the provision of 40% affordable dwellings for Site S2(f) of the North Heybridge Garden Suburb. The application is proposing the provision of 40% affordable dwellings, to be provided on site, with a mix as set out above. The affordable housing element of the application therefore meets the requirements of LDP Policy H1.
5.4 Housing Density

5.4.1 The NPPF takes precedence as the more up to date policy position than RLP policy H6 which set density levels of between 30-50 (dwellings per hectare) dph. However, the NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. Submitted LDP policy H4 on effective use of land considers a design-led approach is most applicable taking into account the location of the proposed development.

5.4.2 The density of the proposed development is shown at 24%. The site is identified in the North Heybridge Garden Suburb Strategic Masterplan Framework (NHGSSMF) as a mixture of the three character areas, the largest of which is a ‘Traditional Garden Suburb’ character with elements of ‘Village’ character along its northern edge and ‘Woodland’ character along its western edge. The proposal takes this on board with the overall density proposed. It also ties in with the current scheme on the adjacent Site 2(d) where density ranges of between 22 - 34 dph are being proposed.

5.5 Design and Impact on the Character of the Area

5.5.1 The NPPF advises on good design and in paragraph 56 states that:

‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.’

5.5.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the landscape and open countryside. Policy CC6 would also apply to the application site which seeks to protect the landscape character. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.

5.5.3 The design guidelines set out in the NHGSSMF for the three character areas reference different features that have been incorporated into the development such as a tree lined avenue on the principle route into the development, a green buffer area adjacent to the woodland edge and a looser-grained urban edge on the site’s northern boundary.

5.5.4 A number of varying house designs are proposed within the development ranging from one and two bedroom flats to five bedroom properties. All house types proposed are of a high quality design and the variation in house types will provide interest within the overall scheme. The majority of the dwellings (113 no.) are shown to be two storey and 32 no. two and a half storeys in height. All the flats (4no. blocks containing 16no. flats) would be two storey only.

5.6 Impact on Residential Amenity

5.6.1 RLP Policy BE1 (Design of New Development and Landscaping) states that development proposals will be permitted if: a) They are compatible with their surroundings, and/or improve the surrounding location in terms of:- vii) the effect on
the safety and or amenity of neighbouring properties or the occupiers therein. The submitted LDP Policy D1 (Design Quality and Built Environment) includes similar residential amenity considerations. The Essex Design Guide (EDG) provides guidance on distances between dwellings and garden depths.

5.6.2 The proposal development contains a number of dwellings that would back onto existing properties in Scylla Close and Heywood Way. The application would have an impact on the residential amenity of adjacent residential properties to the south and east, where currently the rear of these dwellings overlooks open countryside. Plots 90-93 would be two and a half storey properties. They have garden depths of 16m+ which exceeds the minimum 15m garden depth referenced in the EDG. The distance between the proposed and existing dwellings properties (Nos. 16 and 17 Scylla Close) falls below the 25m distance referenced in the EDG at 23.5m at one point but this is not considered so harmful to warrant refusal. The proposed units are two and a half storeys adjacent to Scylla Close, the rear facing openings would consist of high level rooflights and as a consequence are not considered to contribute materially to loss of privacy. The remaining dwellings that abut the south eastern boundary have 15m deep gardens and are at least 27m from existing neighbouring properties.

5.6.3 Issues have been raised from the Environmental Health Team regarding the likely impacts on the living conditions of residents occupying the flats on the Broad Street Green Road frontage from road traffic noise. The applicant has taken steps to reduce the impacts by revising the layout and re-orientating properties but there remain 8no. habitable rooms of five properties that would experience health based limits for internal noise. In order to deal with these impacts conditions are suggested to provide mechanical ventilation and improved acoustic glazing. Further, the private garden of Plots 29 & 86 require an acoustic barrier along the flank of their gardens to protect them from adverse noise levels within their gardens. On the basis these measures are incorporated it is not considered that the overall impacts on the amenity of future residents would be materially affected.

5.7 Access, Parking and Highway Safety

5.7.1 Access to the site is proposed to be provided on the southern boundary of the site through a junction onto Broad Street Green Road. Pedestrian and cycle access is also proposed to be provided on the western and southern boundary of the site to connect the site to the wider North Heybridge Garden Suburb. This would provide pedestrian and cycle access to the proposed early years and childcare facilities, new primary school and the medical facility which is proposed within the wider masterplan area to the north of the site.

5.7.2 Existing footpaths are located on the other side of Broad Street Green Road which provide links to the existing services and facilities within the village. Bus stops are located near to the site on Broad Street Green Road, which provide public transport to the wider Maldon and Heybridge area, Hatfield Peverel, Witham, and Colchester.

5.7.3 The application includes contributions towards public transport improvements to serve the North Heybridge Garden Suburb.
5.8 Green Infrastructure and Ecology

5.8.1 RLP policy BE1 parts e) and f) both require amenity space and landscaping provision for new developments. Further to this RLP policy BE3 identifies certain criteria for applications which involve the creation of public and private open spaces and these criteria include space and functionality requirements and appropriate surfacing treatment. LDP policies N1, N2 and N3 provide refer to green infrastructure, natural environment, geodiversity and biodiversity, open space, sport and leisure.

5.8.2 The layout includes public open space in the centre of the site, and further greenspaces on the northern, western, southern boundaries of the site. These open spaces have a variety of functions with elements of attenuation and ecological buffers to Heybridge Wood but the total area available on site meets the requisite requirements. Further, the application does propose financial contributions towards NEAPs and LEAPs and youth and children’s facilities for the North Heybridge Garden Suburb. Therefore, where these facilities may not be provided on the site, appropriate contributions are proposed to facilitate such facilities within the North Heybridge Garden Suburb.

5.8.3 The Council’s Coast and Countryside Officer raised no objection to the scheme. The ecological measures centre on the management of the woodland buffer to improve the habitat for protected species, provided targeted planting to facilitate habitat improvement for protected species and to ensure that artificial lighting is controlled in the most vulnerable part of the site to ensure that wildlife is not adversely affected.

5.8.4 The Ecological Assessment submitted as part of the Environmental Impact Assessment sets out a number of mitigation measures both during construction and post-completion of the development to provide protection for badgers, hedgehogs, reptiles, wintering birds, amphibians, invertebrates and bats. The implementation of these measures could be controlled by planning condition.

5.8.5 This application has been supported by an Ecology Report as well as a Habitats Regulations Assessment. The Habitats Regulations Assessment concludes that the proposed development is highly unlikely to result in any significant adverse impact on the conservation objectives of the Blackwater Estuary Special Protection Area (SPA), and that overall integrity of the SPA is unlikely to be adversely impacted by the construction or operational use of the development. This conclusion is also reached by Natural England who have advised within their consultation response that the development is not likely to have a significant effect on the SPA on the basis that the proposed development is integrated with the larger adjacent proposal (OUT/MAL/15/00419 - Site S2(d)) and that therefore an appropriate assessment is not required.

5.9 Private Amenity Space and Landscaping

5.9.1 The core planning principles of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. RLP policy CC6 seeks to ensure that no harm is caused to the landscape character of the locality of the application site.
5.9.2 The core principles of the NPPF seek to protect the ‘intrinsic character and beauty of the countryside’ and submitted LDP policy S8 refers to protecting the countryside along with policy N2. These policies are further reinforced by submitted LDP policies D1 and D3 which stress the importance of protecting and enhancing the character of a locality.

5.9.3 In allocating this site for development through the LDP the level of development proposed would inevitably change the character of the application site and its immediate surroundings.

5.9.4 RLP policy BE1 parts e) and f) both require amenity space and landscaping provision for new developments. Further to this RLP policy BE3 identifies certain criteria for applications which involve the creation of public and private open spaces and these criteria include space and functionality requirements and appropriate surfacing treatment. LDP policies N1, N2 and N3 refer to green infrastructure, natural environment, geodiversity and biodiversity, open space, sport and leisure.

5.9.5 The Essex Design Guide (EDG) provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The EDG states that three or more bedroomed houses should have a private amenity space of at least 100m² and that houses of one or two bedrooms should have at least 50m². The houses proposed as part of the development would generally meet the standard set within the EDG, with many exceeding the standard. Two blocks of the flats would fall below the standard of 25m² per flat at 81m² and 88m² respectively instead of 100m². The flats in question also have access to private balconies that overlook the shared amenity space therefore this is not considered materially harmful in this instance.

5.10 Infrastructure capacity and developer contributions

5.10.1 Infrastructure capacity in Heybridge and Maldon to accommodate growth allocated in the submitted LDP has been assessed by the Council within the Maldon District Infrastructure Delivery Plan (IDP, document references EB059a, b, c and d). The IDP and submitted LDP Policies S4 and I1 outline the infrastructure that will be required to support growth allocated in the Plan. LDP Policy I1 and the IDP provide further detail on which sites should contribute towards specific infrastructure items, and the level of contribution required. It should be noted that contributions towards the strategic flood alleviation scheme have been excluded from the list of infrastructure items following the LDP Hearing in February 2015. In accordance with the IDP (EB059d), LDP Site S2(f) should therefore provide the following developer contributions:

<table>
<thead>
<tr>
<th>Infrastructure item</th>
<th>IDP Contribution</th>
<th>Application offer</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Transport</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Heybridge relief road</td>
<td>£900,567</td>
<td>£1,259,914</td>
</tr>
<tr>
<td><strong>Public Transport</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public transport improvements to serve North Heybridge Garden Suburb (GS)</td>
<td>£234,000</td>
<td>£248,510.74</td>
</tr>
<tr>
<td>Infrastructure item</td>
<td>IDP Contribution</td>
<td>Application offer</td>
</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56-place EY&amp;C facility</td>
<td>£89,069</td>
<td>£129,149.79</td>
</tr>
<tr>
<td>210-place (1FE) primary school</td>
<td>£291,498</td>
<td>£422,672.06</td>
</tr>
<tr>
<td>Pro-rata contribution for secondary school based on 45 places (in excess of the minimum allocation in the LDP)</td>
<td>None</td>
<td>£141,971</td>
</tr>
<tr>
<td><strong>Youth and Children’s facilities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Teen shelters, skateboard facilities and access to shared community facilities</td>
<td>£54,167</td>
<td>£75,780</td>
</tr>
<tr>
<td>NEAPs and LEAPs</td>
<td>£11,520</td>
<td>£16,704</td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical facilities to serve North Heybridge GS</td>
<td>£32,400</td>
<td>£47,720</td>
</tr>
<tr>
<td><strong>Green Infrastructure</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Allotments to serve North Heybridge GS</td>
<td>£4,720</td>
<td>£6,926.65</td>
</tr>
</tbody>
</table>

5.10.2 Although the exact financial contribution set out in the IDP may be subject to change following final assessment by infrastructure providers, the principle of the application site providing a proportion of the cost of infrastructure required to support the development of the North Heybridge Garden Suburb, based on the number of dwellings being provided on a ‘pro rata’ basis for 145 no. dwellings, is offered by the applicant. The contribution for secondary education has been requested by the Education Department at ECC. The applicant has offered the contribution as requested. The site did not attract a contribution for secondary education in the IDP because of the pooling restrictions laid down in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 which limit the number of contributors to 5no. The IDP was drawn up take account of those restrictions and at the time of writing this report discussions are ongoing with the ECC Education Department. Members will be updated prior to the meeting. The heads of terms set out in the Planning Statement supporting the application is therefore consistent with the infrastructure requirements set out in LDP Policy I1 and the IDP.

5.10.3 Submitted LDP Policy S2 outlines that site S2(f) is proposed to deliver within the first five years of the Plan. The site is therefore key in assisting the Council to achieve a five year housing land supply. It is therefore acknowledged through the LDP and the IDP that the site is capable of being delivered in advance of strategic infrastructure required to support the delivery of the North Heybridge Garden Suburb.

5.10.4 In relation to highways and education infrastructure, Essex County Council (ECC) has outlined that the site can be delivered early in the Plan period in advance of strategic infrastructure proposed to support the Garden Suburb. Although GP surgeries in the Maldon and Heybridge area are at capacity, the NHS has advised that this site can be delivered in advance of additional medical provision proposed to be included within the North Heybridge Garden Suburb.

5.10.5 Although the exact nature and location of youth and children’s facilities in the North Heybridge Garden Suburb has not yet been determined, and application includes
appropriate contributions alongside an allotments contribution to ensure consistency with the submitted LDP and IDP.

5.11 Flood Risk and Drainage

5.11.1 The NPPF provides the most up to date policy position when assessing flood risk, and supersedes any out dated RLP policies on flood risk. Submitted LDP Policy D5 provides local flood risk considerations and seeks to direct development to the lower risk flood zones, which this site falls within.

5.11.2 The site is more than 1 hectare in size and based on the Environment Agency and the national Planning Practice Guidance (PPG) requires a Flood Risk Assessment (FRA). The site is within Flood Zone 1, the lowest flood risk.

5.11.3 The submitted FRA sets out the nature of the proposed mitigation measures of up to and including a 1 in 100 year event inclusive of climate change to ensure that run-off from the development is limited to the Greenfield 1 in 1 year return period event. The surface water attenuation (SuDS) would incorporate flow control measures to restrict the allowable outflows. The SuDS strategy would provide ponds, attenuation basins, swales, tanked permeable paving (under car park areas) and oversized pipework. The discharge rates will be restricted to pre-development rates and would be self-contained without relying on the wider Garden Suburb. ECC SuDS Authority have not raised objections subject to appropriate conditions.

5.11.4 The foul water strategy recognizes that there are capacity issues with the public sewer running along Broad Street Green. The proposed pump station included in the application would deal with gravity and site levels issues within the southern section of the site. This would be adopted by Anglian Water and would feed into the wider mitigation measures designed to deal with the wider North Heybridge Garden Suburb which allows for up to 1500 units to connect to the public sewer. The detailed design of the pump station would be the subject of agreement with Anglian Water as part of their own adoption process.

5.12 Management of Open Space and Sustainable Urban Drainage Scheme

5.12.1 Agreement of a future management regime for the green infrastructure including the open space, allotments, LEAPS and SuDS is essential and this will be subject of details being provided through planning conditions and through the planning obligations in the Section 106 agreement.

5.12.2 The agent has advised that it is their intention that a Management Company will manage the Green Infrastructure in partnership with a charity and where appropriate local community bodies. In the case of the SuDS it may be managed by the drainage undertaker but failing that the site’s management company. In terms of funding this would be achieved through annual service charges, which are written into the title deeds of each property within the site.

5.12.3 The draft Section 106 agreement which has been submitted in support of this application includes obligations in relation to the management and maintenance of the Green Infrastructure.
5.13 Air Quality and Contaminated Land

5.13.1 Environmental Health have advised that a proportion of operational phase traffic will contribute to air pollution in areas where levels exceed 75% to 95% of the objective including the Causeway, Market Hill, Wycke Hill and Spital Road. It is unlikely that the operational traffic would directly cause the nationally set Air quality objectives to be exceeded however there will be an impact in areas already experiencing poor air quality which would affect health. Environmental Health have advised that mitigation would be required which could be dealt with through a planning condition.

5.13.2 In terms of land contamination evidence of elevated ground gases where identified which require protection measure to be implemented and can be dealt with by planning condition. The Zinc levels identified are not considered a risk to health and as such no mitigation is recommended.

5.14 Archaeology

5.14.1 The Essex Historic Environment Record (EHER) shows that the proposed development site is sited in an area of archaeological interest. The archaeological desk-based assessment submitted as part of the planning application has identified the presence of Bronze Age, Iron Age and Roman remains within the application area. The potential for archaeological remains of other periods to be present has also been noted. In addition, the river terrace graves have been identified as having Palaeolithic potential.

5.14.2 Archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent.

6. ANY RELEVANT SITE HISTORY

- SCR/MAL/15/00568 - Development for 160 residential dwellings with associated landscaping, open space, access, parking and ancillary infrastructure including pumping station. Environmental Impact Assessment required 02/06/15.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heybridge Parish Council</td>
<td>Object to the application as it is premature as no LDP in place.</td>
<td>See Section 5.7 above. The on site drainage is not dependent on the proposed Flood Alleviation Scheme and would provide adequate on site attenuation. Matters of</td>
</tr>
<tr>
<td></td>
<td>Concerns regarding highway safety due to the single access to the site.</td>
<td></td>
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</tbody>
</table>

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<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Totham Parish Council</td>
<td>Supports the application in principle, but has concerns regarding movement of traffic and adequacy of parking arrangements, and width of the estate roads.</td>
<td>No objections have been raised by the Highways Authority and the Council’s car parking standards are met.</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Name of Statutory Consultee / Other Organisation</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic England (East of England office)</td>
<td>No comment.</td>
<td></td>
</tr>
<tr>
<td>Sport England</td>
<td>No comment.</td>
<td></td>
</tr>
<tr>
<td>Forestry Commission England</td>
<td>Advisory comments.</td>
<td></td>
</tr>
<tr>
<td>Name of Statutory Consultee / Other Organisation</td>
<td>Comment</td>
<td>Officer Response</td>
</tr>
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</tr>
<tr>
<td>Highways England</td>
<td>No Objection.</td>
<td></td>
</tr>
<tr>
<td>British Horse Society (BHS)</td>
<td>Asks to consider the provision of bridleways and circular routes.</td>
<td>There is no bridleway network to link into.</td>
</tr>
<tr>
<td>The Maldon Society (c/o Judith Lea)</td>
<td>Strategic infrastructure envisaged within LDP is not in place. Traffic concerns. The density is inappropriately high, and parking and amenity space is inadequate. Design is without particular merit.</td>
<td>See Sections 5.1, 5.4 and 5.7 above.</td>
</tr>
<tr>
<td>Essex County Council (ECC) – Flood and Water Management</td>
<td>The Flood Risk Assessment (FRA) and proposed surface water drainage scheme demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The site is located in CDA5 of the Maldon Surface Water Management Plan (SWMP), and proposes to provide mitigation measures of the on-site and off-site surface water run-off within the development. Mitigation measures proposed within the FRA to be imposed by conditions.</td>
<td>See Section 5.11 above.</td>
</tr>
<tr>
<td>ECC – Minerals and Waste Management</td>
<td>No objection.</td>
<td></td>
</tr>
<tr>
<td>ECC – Highways</td>
<td>The Highways 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. Conditions to be imposed.</td>
<td>See Section 5.7 above.</td>
</tr>
<tr>
<td>ECC – Education</td>
<td>Advises that this development was included in the calculations to estimate the need for EYC, primary and secondary school places (beyond the LDP allocation) in the Maldon / Heybridge area. Requests contribution to the costs identified in the Infrastructure Delivery Plan.</td>
<td>See Section 5.10 above.</td>
</tr>
<tr>
<td>Name of Statutory Consultee / Other Organisation</td>
<td>Comment</td>
<td>Officer Response</td>
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</tbody>
</table>
| **Anglian Water (AW)**                        | AW own no assets or those subject to an adoption agreement within the development site boundary.  
The foul drainage from this development is in the catchment area of Maldon Water Recycling Centre that will have available capacity for these flows.  
Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with AW, to be imposed by condition.  
The proposed method of surface water management does not relate to AW operated assets, therefore unable to comment. Advise to consult with Lead Local Flood Authority or Internal Drainage Board, or EA if drainage system involves discharge into a watercourse. | See Section 5.11 above. |
| **Essex & Suffolk Water**                     | No objection subject to new water mains being laid in the highway of the site and a new water connection is made to the Company network for each new dwelling. | No comment. |
| **Natural England (NE)**                      | No objections. The integration of on-site green infrastructure with adjacent housing development is considered sufficient to mitigate impacts at the nearby Blackwater Estuary Special Protection Area (SPA) and the Blackwater Estuary RAMSAR site.  
The site is within or in close proximity to a European designated site (Natura 2000 site) and the authority should have regard for any potential impacts under the provisions of the Conservation of Habitats & Species Regulations 2010 (as amended) (Habitats Regulation).  
Advisory comments regarding Regulations 61 and 62 of the Habitats | See Section 5.8 above. |
<table>
<thead>
<tr>
<th>Name of Statutory Consultee / Other Organisation</th>
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<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulations, Protected Species and Biodiversity enhancements. No material impacts on Blackwater Estuary Site of Special Scientific Interest (SSSI) and the Lofts Farm Pit SSSI.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Essex Bridleway Association</td>
<td>No indication as to how the cycle / pedestrian links will link with the rest of the development. Existing bridleways and permissive farm rides to the north and south. A bridleway northwards would form a circular route.</td>
<td>There is no bridleway network to link into.</td>
</tr>
<tr>
<td>NHS England</td>
<td>Primary care services do not have the capacity for the additional growth resulting from the development. NHS England seek a developer contribution to mitigate the impacts of the proposal.</td>
<td>See Section 5.10 above.</td>
</tr>
</tbody>
</table>

### 7.3 Internal Consultees *(summarised)*

<table>
<thead>
<tr>
<th>Name of Internal Consultee</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development Officer</td>
<td>Would expect provision is made to all dwellings to be provided with access to high speed broadband.</td>
<td></td>
</tr>
<tr>
<td>Waste and Street Scene Manager</td>
<td>Concerns raised regarding collection of waste from the properties accessed from private drives. Possible conflict with parked vehicles and access of Refuse and Recycling Collection Vehicles (RCV).</td>
<td>Dealt with by condition.</td>
</tr>
<tr>
<td>Housing Services</td>
<td>The application meets 40% affording housing provision as required, however, aligns broadly with the recommendations of the SHMA 2014. Strategic Housing fully supports this application.</td>
<td>Subject of Section 106 (S106) agreement</td>
</tr>
<tr>
<td>Name of Internal Consultee</td>
<td>Comment</td>
<td>Officer Response</td>
</tr>
<tr>
<td>---------------------------</td>
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</tr>
</tbody>
</table>
| Environmental Health Team | Concerns regarding:  
  • **Contaminated Land**  
    Areas of land (designated as areas C, D & E in the Phase 1 and 2 Geosphere report) may be contaminated due to the presence of ground gases. These areas are rated as Amber 1 under the National House Building Council (NHBC) Guidance on Methane and Carbon Dioxide.  
    Low level ground gas protection measures are required – remediation to be carried out as prescribed in BRE 414. To be dealt with via condition.  
  • **Air Quality**  
    Operational traffic from this development and the cumulative large developments in North Heybridge and the Maldon area will contribute to air pollution in areas where levels exceed 75% to 95% of the objective. Proportional mitigation proposals with regard to traffic movement impacts should be considered.  
  • **Noise concerns**  
    Initial design identified approximately 40 rooms would be adversely affected by road traffic noise. Redesign reduced this to 8 habitable rooms located on 5 plots that would be affected by internal noise levels exceeding health based limits. Mitigation would be in the form of mechanical ventilation. | See Sections 5.6 & 5.13 above. |
| Urban Design | No objections following revised submissions. | Conditions to be imposed. |
| Countryside and Coast Officer | No objections following revised submissions. | Conditions to be imposed. |
7.4 Representations received from Interested Parties *(summarised)*

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- David Sargood 65 Heywood Way, Heybridge
- M J Hall 8 Scylla Close, Heybridge
- Mr Peter Fairchild Myrtle House, 113 Broad Street Green Road, Heybridge
- Mr Don Benson 31 Elizabeth Way, Heybridge
- G G & D P Cox 159 Heywood Way, Heybridge
- Douglas De Souza 16 Broad Street Green Road, Great Totham
- Judith Lea c/o Maldon Society 12 The Courtyard, Spital Road, Maldon
- Mr D Lowing 151 Heywood Way, Heybridge
- Linda Nelson Ivy Cottage, Chignal Smealey, Chelmsford
- Mrs Marianne De Souza 16 Broad Street Green Road, Great Totham
- AJW Baker 165 Heywood Way, Heybridge
- Mr Roy Gravestock 14 Scylla Close, Heybridge
- Mr H G G Lewis 24 Broad Street Green Road, Heybridge
- Mr & Mrs M Buckley 161 Heywood Way, Heybridge
- Joseph De Giorgio-Miller Mead House, 111 Broad Street Green Road, Great Totham

<table>
<thead>
<tr>
<th>Objection Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact on Residential Amenity:</strong></td>
<td></td>
</tr>
<tr>
<td>Houses will be extremely close to the road and result in a loss of privacy to bedrooms.</td>
<td>See Section 5.6 above.</td>
</tr>
<tr>
<td>Location of pumping station adjacent to properties in Heywood Way – could result in noise and odour.</td>
<td>See Section 5.11 above.</td>
</tr>
<tr>
<td>Access proposed passed front gardens of properties in Heywood Way.</td>
<td>Pedestrian access would not cause adverse amenity impacts, already public highway above.</td>
</tr>
<tr>
<td>Occupants of the proposed flats will have a direct site line into gardens and would affect privacy.</td>
<td>The occupiers of the flats would overlook their own amenity space areas.</td>
</tr>
<tr>
<td><strong>Traffic:</strong></td>
<td></td>
</tr>
<tr>
<td>There will be too much traffic on the road network and if there’s a problem, traffic will be diverted which will leave the area grid locked.</td>
<td>No objections are raised by the Highway Authority.</td>
</tr>
<tr>
<td>The proposed development will introduce additional cars (~ 200) onto already overcrowded roads.</td>
<td>No objections are raised by the Highway Authority.</td>
</tr>
<tr>
<td>No infrastructure to support the extra and existing population.</td>
<td>See Section 5.10 above.</td>
</tr>
<tr>
<td>Objection Comment</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Only one point of access / egress onto a very dangerous road.</td>
<td>No objections are raised by the Highway Authority.</td>
</tr>
<tr>
<td><strong>Healthcare:</strong></td>
<td></td>
</tr>
<tr>
<td>The Doctors in the area can hardly cope, this [development] will put more pressure on the health service in the area</td>
<td>See Section 5.10 above.</td>
</tr>
<tr>
<td><strong>Education:</strong></td>
<td></td>
</tr>
<tr>
<td>Not enough schools to cope with all the children.</td>
<td>See Section 5.10 above.</td>
</tr>
<tr>
<td><strong>Flooding:</strong></td>
<td></td>
</tr>
<tr>
<td>The Council should put in flood infrastructure before any building is started. Flooding is a major concern for the residents of Heybridge.</td>
<td>See Section 5.11 above.</td>
</tr>
<tr>
<td>The proposed development will double Heybridge flooding problems – this parcel of land acts as a flood plain and provides soakaway capacity.</td>
<td>See Section 5.11 above.</td>
</tr>
<tr>
<td>Who will be responsible for the ditch west of Heywood Way [outside the development site] which has previously flooded.</td>
<td>See Section 5.11 above.</td>
</tr>
<tr>
<td><strong>Noise:</strong></td>
<td></td>
</tr>
<tr>
<td>Residents would suffer due to construction and vehicular noise.</td>
<td>See Section 5.6 above.</td>
</tr>
<tr>
<td><strong>Principle:</strong></td>
<td></td>
</tr>
<tr>
<td>There are brown field sites in the Maldon District that could be used instead of building on farm land.</td>
<td>See Section 5.1 above.</td>
</tr>
<tr>
<td>This is prime agricultural land and would be lost.</td>
<td>See section 5.1 above.</td>
</tr>
<tr>
<td>The density of properties is shown too high for the amount of traffic getting access to Broad Street Green Road.</td>
<td>See Section 5.4 above.</td>
</tr>
<tr>
<td><strong>Footpath/cycle path:</strong></td>
<td></td>
</tr>
<tr>
<td>Documentation mentions a foot and cycle path linking to Seylla Close, however, this is not shown on any plans – should this link to Heywood Way.</td>
<td>The footpath is shown of the submitted site plan</td>
</tr>
<tr>
<td>The pavement on Broad Street Green should be widened to include a cyclepath to complement the cycle paths shown on the plan.</td>
<td>The Highways Authority has not raised this as an issue. Cycle and footpaths would link to the existing road network within the Garden Suburb and surrounding development</td>
</tr>
<tr>
<td><strong>Ecology:</strong></td>
<td></td>
</tr>
<tr>
<td>Detailed plans, dated April 2015, omit the ‘break’ between the new development and existing housing.</td>
<td>See Section 5.8 above.</td>
</tr>
<tr>
<td>Objection Comment</td>
<td>Officer Response</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>There is significant wildlife activity in the existing hedgerow which would be “lost” and the “green corridor” mentioned in the Landscape Strategy would not exist.</td>
<td>See Section 5.8 above.</td>
</tr>
<tr>
<td>There is a green corridor shown 20m to the north, south and west of the site but not on the east of the site.</td>
<td>There is no requirement for a 20m buffer on the eastern boundary.</td>
</tr>
<tr>
<td>A 10m ‘landscaped corridor’ should be provided with retention and improvement to the tree line.</td>
<td>Conditions would deal with landscaping on Broad Street Green Road frontage.</td>
</tr>
<tr>
<td>The drainage ditch (located on Broad Street Green Road) should be culverted.</td>
<td>There are no proposals to culvert any ditches.</td>
</tr>
<tr>
<td>Heybridge ancient woodland may experience invasion, damage and demise of wild life.</td>
<td>See Section 5.8 above.</td>
</tr>
<tr>
<td><strong>Other:</strong></td>
<td></td>
</tr>
<tr>
<td>Heybridge is going to lose its identity as a village.</td>
<td>See Section 5.1 above.</td>
</tr>
<tr>
<td>More people should have been informed in addition to those homes adjacent to the area of land in question.</td>
<td>The site was subject to advertisement in local papers, site notice and direct letter which exceeds the legal requirements.</td>
</tr>
</tbody>
</table>

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

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

- Highways infrastructure towards the following projects:
  - North Heybridge relief road, £1,259,914
  - Public transport improvements to serve North Heybridge Garden Suburb (GS), £248,510.74
- Education contributions towards the following projects:
  - 56-place Early Years and Childcare (EY&C) facility, £129,149.79
  - 210-place (1FE) primary school, £422,672.06
- Teen shelters, skateboard facilities and access to shared community facilities, £75,780
- Neighbourhood Equipped Areas for Play (NEAPs) and Local Equipped Areas for Play (LEAPs), £16,704
- Medical facilities to serve North Heybridge GS, £47,720
- Allotments to serve North Heybridge GS, £6,926.65
- 40% affordable housing.
• Prior to first occupation of any dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the payment of a £3,000 (three thousand pounds) monitoring fee to Essex County Council and the provision of a Travel Plan Co-ordinator to give advice. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.

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

Conditions:

1. The development hereby permitted shall be begun within three years from the date of this approval. 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).

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
   REASON: To ensure the development complies with the application as submitted.

3. No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.  
   REASON: To ensure the external appearance of the development is appropriate to the locality in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.

4. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.  
   REASON: In order to safeguard the amenities of future occupiers of the dwellings and existing neighbouring residential properties in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the NPPF and policy D1 of the Maldon District Submission Local Development Plan.

5. Prior to the commencement of development, precise written details of the proposed phasing of development, supported by a phasing plan shall be submitted to and be approved in writing by the Local Planning Authority. The development shall proceed in compliance with the agreed phasing schedule as approved.  
   REASON: To ensure that development is completed in accordance with an agreed phasing of development which will be respectful of the existing features to comprehensively deliver amelioration and enhancement benefits.
having regard to policies CON5, CC5, BE1 and T2 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework, and policies D1, T2 and N2 of the Maldon District Submission Local Development Plan.

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall require details of the following:

- How any groundwater seepage and surface water runoff during excavation / construction works will be adequately dealt with.
- Access arrangements to the site in conjunction with demolition / construction operations.
- The parking of vehicles or site operatives and visitors.
- Loading and unloading of plant and material.
- Storage of plant and materials used in constructing the development.
- Wheel and underbody washing facilities.
- Mitigation measures to protect ecology on site.
- Dust management.
- Pollution control: protection of water courses and ground water and soils, bunding of fuel storage areas, sewage disposal.
- Temporary site illumination.
- Arrangements for keeping the site entrance and adjacent public road clean.
- Construction noise management plan.
- All approved measures shall be put in place prior to development commencing on site and all subsequent construction of the development shall be implemented in accordance with the approved details.

The approved Construction Management Plan shall be implemented in accordance with the details as agreed and shall be adhered to throughout the construction of the development.

**REASON:** To prevent on-street parking in the adjoining streets does not occur and to ensure that loose materials and spoil are displaced onto the public highway in the interests of highway safety, in accordance with Policies CON5, BE1, T2 and T8 of the Maldon District Replacement Local Plan and Policy D1, D2 and T2 of the submitted Maldon District Local Development Plan.

No development shall commence until details of the proposed Local Area for Play (LAP), together with a timetable for implementation and arrangements for the future management and maintenance have been submitted to and approved in writing by the Local Planning Authority. Such details shall include all items of play equipment, landscaping, ground surfacing treatment, enclosure of the area incorporating self-closing gates, seating, and refuse facilities and safety notices. The Local Area for Play (LAP) shall be implemented and shall be made available for public use in accordance with the approved timetable for implementation. Once implemented the Local Area for Play (LAP) shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.
REASON: In order to ensure that adequate play space is provided on site and remains available for subsequent use by the occupiers of the development hereby permitted, in accordance with policies REC3 and BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D1 and N3 of the Maldon District Submission Local Development Plan.

8 No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

9 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:
   1. Control all the surface water run-off (incremental flows) generated within the development for all events up to and including the 1 in 100 year event inclusive of climate change. Run-off from the development should be limited to the Greenfield 1 in 1 year return period event.
   2. Provide mitigation within the site of the surface water run-on (cumulative flows) from the upstream catchment of the development and of CDA5, through use of Flood Storage Areas.
   3. Provide detailed calculations of the sizing of flood volumes identified within the site, and consider the site in its singularity. At this stage the measures in the Maldon SWMP have not been implemented including the North Heybridge Flood Alleviation Scheme.
   4. Provide results of the dynamic hydraulic modelling showing the combined effects of the SuDS scheme both in meeting the water quality and water quantity criteria. This should include the sizing of individual tanked permeable paving, swales and ponds cascaded together.
   5. Provide further details on the wider connectivity from the proposed discharge locations. Clear evidence must be shown that the proposed ditches are not blind ditches; alternatively they should be designed as landscaped infiltration swales / ditches.
   6. Provide evidence of water quality treatment from the development using the risk based approach as outlined in the CIRIA SuDS manual C753.
   7. Provide a plan showing the final exceedance flow paths, these should be away from any buildings.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To prevent flooding by ensuring adequate storage of/disposal of surface water from the site, effective operation of the SuDS features and for mitigation purposes, in accordance with submitted Maldon District Replacement Local Plan Policy D2 and Paragraph 103 of the National Planning Policy Framework.

10 No development shall take place until a Maintenance Plan detailing the maintenance arrangement including who is responsible for different elements of the surface water drainage system and maintenance activities/frequencies has been submitted to and approved in writing by the Local Planning Authority.
11 The applicant or successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the approved Maintenance Plan, referenced in Condition 10 above. The yearly logs must be available for inspection upon request of the Local Planning Authority.

**REASON:** To ensure effective operation of the SuDS features, in accordance with submitted LDP Policy D2 and paragraph 103 of the NPPF.

12 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The details of the foul drainage strategy shall be implemented as agreed and no dwelling shall be occupied until the works have been carried out in accordance with the foul water strategy.

**REASON:** To ensure effective operation of the SuDS features, in accordance with submitted LDP Policy D2 and paragraph 103 of the NPPF.

13 A) No demolition/development or groundworks shall commence until a Written Scheme of Investigation, in response to an archaeological brief, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

**REASON:** To protect the site which is of archaeological interest in accordance with policy BE17 of the adopted Maldon District Replacement Local Plan, the NPPF, and policy D3 of the submitted Maldon District Replacement Local Plan.

14 No development or demolition / conversion of any kind shall take place within the site until the applicant, their agents, the owner of the site or successors in title, has secured the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the agreed programme of works.

**REASON:** To prevent environmental and amenity problems arising from flooding in accordance with RLP Policy CON5, the NPPF and submitted LDP Policy D2.
15 The areas of public open space shall be laid out and landscaped in accordance with a detailed scheme and timetable for implementation to include details of future management and maintenance that shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The public open space shall be made available for public use in accordance with the approved timetable for implementation. The public open space shall be permanently maintained in accordance with the approved details and retained for such purposes thereafter.

REASON: To ensure that adequate public open space is provided within the development in accordance with policies BE1 and REC3 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policies D1 and N3 of the Maldon District Submission Local Development Plan.

16 Prior to first occupation of the development the proposed access onto Broad Street Green Road at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m by 160m to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided prior to first occupation and retained free of any obstruction in perpetuity.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Maldon District Replacement Local Plan Policy T1, the guidance and provision of the National Planning Policy Framework and submitted Maldon District Local Development Plan Policy T2.

17 Prior to first occupation of the development the developer shall implement and retain in perpetuity the access arrangements for the proposed development, as shown on the approved plans, to include but not limited to:

- A new bellmouth access with a minimum of 6m radii
- Footway and cycleway connections

REASON: In the interests of highway safety, efficiency and accessibility in accordance with Maldon District Replacement Local Plan Policy T1, the guidance and provision of the National Planning Policy Framework and submitted Maldon District Local Development Plan Policy T2.

18 Prior to first occupation of the development the developer shall implement bus stop improvements to the adjacent stops to the front of the site, this shall include the following works:

- The relocation of the northbound bus stop to the south of its present position with raised kerbs etc. to an agreed safe location
- Provision of timetable information to each stop either through free standing Real Time Passenger Information (RTPI) signs, or if not possible to implement the RTPI signs, then the provision of a new post with timetable.

REASON: In the interests of improving accessibility, promoting sustainable development and transport for the site and the locality in accordance with Maldon District Replacement Local Plan Policy T1, the guidance and provision of the National Planning Policy Framework and submitted Maldon District Local Development Plan Policies T1 and T2.
Prior to first occupation of the development, the Developer shall be responsible for the provision and implementation, per dwelling, of a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Maldon District Replacement Local Plan Policy T1, the guidance and provision of the National Planning Policy Framework and submitted Maldon District Local Development Plan Policies T1 and T2.

There shall be no discharge of private surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Maldon District Replacement Local Plan Policy T1, the guidance and provision of the National Planning Policy Framework and submitted Maldon District Local Development Plan Policies T1 and T2.

The development hereby permitted shall not be first occupied until such time as the vehicle parking areas indicated on the approved plans has been laid out, hard surfaced, marked out in parking bays (where applicable) and made available for use. The vehicle parking area(s) shall be retained for vehicle parking purposes at all times thereafter.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan, the Maldon District Vehicle Parking Standards policy T2 of the submitted Maldon District Local Development Plan, and the guidance and provisions of the National Planning Policy Framework.

The development shall be carried out in accordance with the requirements and mitigation measures set out in the approved Ecological Assessment. No development shall commence until a Construction Environmental Management Plan and Ecological Mitigation Management Plan have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in that form thereafter.

REASON: In order to ensure that the site is managed to mitigate the impacts on and protect habitat of protected species in compliance with policy CC5 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and policy N2 of the Maldon District Pre-Submission Local Development Plan.

The landscaping details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within
the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

**REASON:** To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

24 No trees within the site shall be felled, cut back, damaged or removed, unless as shown on the approved plans. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree and hedgerow retention protection plan including fencing and ground protection measures;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs and construction of hard surfaces).

The development shall be implemented in accordance with the details and protection measures as approved. 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 protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and Policies D1, N1 and N2 of the submitted Maldon District Local Development Plan.

25 No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree retention protection plan;
- Method statement for any changes within the Root Protection Area of any retained tree
• Tree constraints plan;
• Arboricultural method statement (including drainage service runs and construction of hard surfaces).

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

**REASON:** To protect existing landscaping on the site in the interests of visual amenity and the character of the area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan, the guidance and provisions of the National Planning Policy Framework and Policies D1, N1 and N2 of the submitted Local Development Plan.

26 Prior to the commencement of the development hereby permitted, details of the means of refuse and recycling storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the development and retained for such purposes at all times thereafter.

**REASON:** To ensure adequate refuse and recycling provision throughout the development in accordance with policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework, and Policies D1 and D2 of the submitted Maldon District Local Development Plan.

27 No development shall commence until details of the external lighting strategy for the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies CON5, BE1 and CC5 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policies D1, D2 and N2 of the Maldon District Submission Local Development Plan.

28 No development shall commence until detailed drawings showing the finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme as approved.

**REASON:** In order to protect the visual amenity of the area and to safeguard the residential amenity of adjacent occupiers, in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan, the provisions and guidance of the National Planning Policy Framework and policy D1 of the Maldon District Submission Local Development Plan.
29 No development shall commence until a strategy to facilitate superfast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy 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 Maldon District Submission Local Development Plan and the guidance and provisions National Planning Policy Framework.

30 Prior to first occupation of residential dwellings. Ground Gas Protection measures, as prescribed in BRE 141 shall be installed into dwellings located within the areas identified as C, D and E in the Phase 1 and Phase 2 Contaminated Land Report, Reference 355, SI - Report, AF, TP, 29-05-12, V1 carried out by Geosphere Environmental Ltd.

Verification that completed gas protection measures have been installed as required shall be provided to the Local Planning Authority for approval prior to first occupation of the residential dwellings affected. Where development in these areas is being carried in separate phases the verification and discharge of this condition can be carried out in part for each phase as agreed in writing with the Local Planning Authority.

**REASON:** To ensure the development does not represent a pollution risk in accordance with policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework, and Policies D1 and D2 of the submitted Maldon District Local Development Plan.

31 No development shall commence until a scheme shall be submitted in writing for approval that details the measures aimed at mitigating or offsetting the impacts on local air quality resulting from increased road traffic generated by the development. The agreed measures shall be implanted prior to final completion of the development.

**REASON:** To minimise the risks of air pollution arising from the development in accordance with policies CON5 and BE1 of the adopted Maldon District Replacement Local Plan the guidance and provisions of the National Planning Policy Framework, and Policies D1 and D2 of the submitted Maldon District Local Development Plan.

32 No development shall commence until a detailed scheme of chosen glazing units and passive ventilation measures for plots 26, 27 and 87 shall be provided in writing to the Local Planning Authority for approval.

The information shall include the acoustic performance of the glazing units (Rw + Ctr) and passive ventilation methods. Ventilation performance must ensure that air turnover meets the requirements of Part f of the Building regulations.
The development shall be implemented in accordance with the approved
details prior to occupation of those units and maintained and retained in that
form thereafter.
REASON: To protect the amenities of future residents from undue noise and
disturbance in accordance with policy BE1 of the adopted Maldon District
Replacement Local Plan the guidance and provisions of the National Planning
Policy Framework, and policy D1 of the submitted Maldon District Local
Development Plan.

No development shall commence until a detailed scheme of chosen glazing
units and enhanced ventilation measures for plots 1, 2, 28, 29 and 86 shall be
provided in writing to the Local Planning Authority for approval.

The information shall include the acoustic performance of the glazing units
(Rw + Ctr) and passive ventilation methods and clearly show the resulting
internal noise levels in habitable rooms of those plots. Ventilation performance
must ensure that air turnover meets the requirements of Part f of the Building
regulations.

With windows closed and mechanical ventilation in operation internal noise
levels shall not exceed the noise levels stated in paragraph 7.7.2 Table 4 of
BS8233:2014

The development shall be implemented in accordance with the approved
details prior to occupation of those units and maintained and retained in that
form thereafter.
REASON: To protect the amenities of future residents from undue noise and
disturbance in accordance with policy BE1 of the adopted Maldon District
Replacement Local Plan the guidance and provisions of the National Planning
Policy Framework, and policy D1 of the submitted Maldon District Local
Development Plan.

Prior to the commencement of development details of the boundary fencing
and sound attenuation provided to reduce noise levels in amenity areas of Plots
29 and 86 shall be submitted in writing for approval.

Noise levels in external amenity areas shall not exceed 55dBLAeq daytime.

The development shall be implemented in accordance with the approved
details prior to occupation of those units and maintained and retained in that
form thereafter.
REASON: To protect the amenities of future residents from undue noise and
disturbance in accordance with policy BE1 of the adopted Maldon District
Replacement Local Plan the guidance and provisions of the National Planning
Policy Framework, and policy D1 of the submitted Maldon District Local
Development Plan.
Essex County Council Highways

1. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate legal agreement to regulate the construction of the highway works. This will include the submission of detailed engineering drawings for approval and safety audit.

2. A temporary closure/diversion of the footpaths is likely to be required during the construction phases.

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

   SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

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

Archaeology

The archaeological work will comprise geophysical survey of the entire development area followed by archaeological trial-trenching and geotechnical assessment of the gravels. Full excavation of specific areas will be required if archaeological features are identified together with a programme of post-excavation analysis and publication of results. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council. Contact: Maria Medlycott, Historic Environment Advisor, Telephone: 03330-136853 Email: maria.medlycott@essex.gov.uk

Environmental Health

1. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
   a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
   b. No dust emissions should leave the boundary of the site;
   c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
   d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
POSITIVE AND PROACTIVE STATEMENT
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.