



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 DECEMBER 2021**

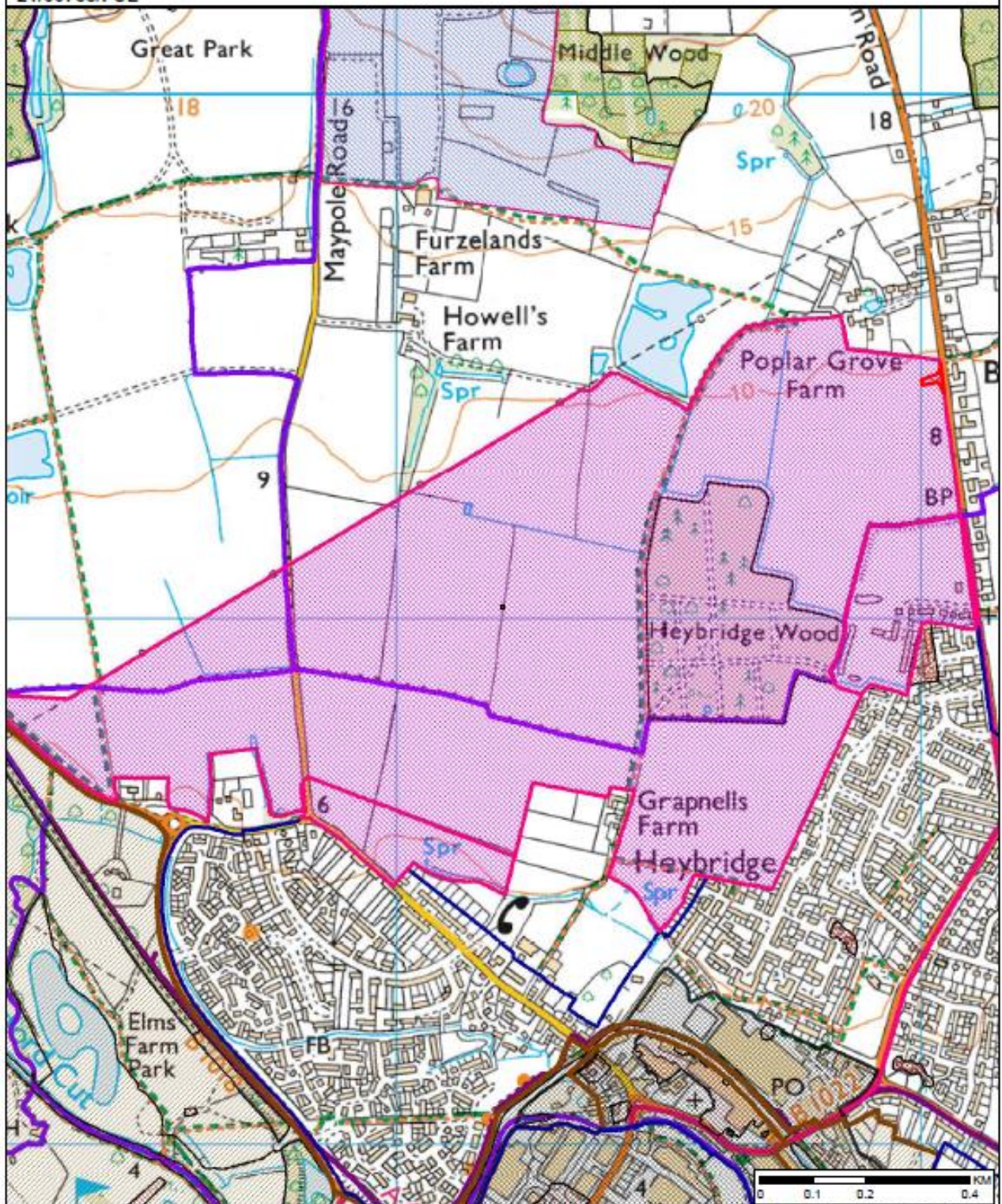
Application Number	21/00788/FUL
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Formation of temporary access points for construction traffic from Maypole Road and Broad Street Green Road.
Applicant	Mr D Moseley
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	30.09.2021 (Extension of time agreed: 08.12.2021)
Case Officer	Anna Tastsoglou
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In by Councillor Michael Edwards Reason: Policies N1 and N2 and deviation from the construction accesses allowed on appeal under the terms of application 15/00419/OUT

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.



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Maldon District Council 100018588 2014



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Scale: 1:10,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 23/11/2021

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb referred to in Policy S2 as S2(d) North of Heybridge, which was granted planning consent for a hybrid residential development on appeal on 25 October 2019 under reference 15/00419/OUT. The site is located to the north of the Heybridge settlement boundary, west of Broad Street Green Road, east of Langford Road.

3.1.2 The development granted on appeal under reference 15/00419/OUT was:

“Part outline/part detailed (hybrid) application for mixed use development including:

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

3.1.3 The current proposal relates to the formation of two temporary access points for construction traffic onto Maypole Road and Broad Street Green Road. The proposed development would require the construction of crossovers between the existing carriageway and the boundaries of the site.

3.1.4 The application is supported by a cover letter confirming that the expected duration for both access points would be no longer than two years and also that their usage is expected to decrease towards the latter part of that period as construction access from the northern part of the site will become available.

3.1.5 The submitted information highlights that as part of the approved Phasing Plan under reference number 20/05039/DET (see phasing plan details strategic phasing plan pursuant to condition 11 of planning permission APP/X1545/W/19/3230267 date: 06/05/20), two main construction access points were agreed for Phases 1 and 2 from the Relief Road, which are still expected to be used. The purposes of the currently proposed temporary access points is to allow construction traffic to build the Broad Street Green Road roundabout and start construction on the western section of the Relief Road from Langford Road.

3.1.6 The reasons for the positioning of the proposed temporary access points are as follows:

- For the access point onto Maypole Road the positioning was mainly based on vehicle tracking issues due to the unsafe vehicle movement in and out of the existing farm entrance (which was originally proposed to be used) and the fact that the existing access is within the S278¹ working area which would have complicated the build. The proposed access would be 30m south of the farm access, which itself would be closed.
- The proposed location of the Broad Street Green access has been determined due to site constraints (mature trees, the need for archaeological mitigation in these areas, and the existence of accesses on the other side of the road and the need to prevent the creation of 'cross roads').

3.2 Conclusion

3.2.1 The application seeks permission for the formation of two temporary access points for construction traffic onto Maypole Road and Broad Street Green Road. The reasoning given by the applicant has been considered having regard to the identified constraints, and the mitigating factors and proposals. On this basis the principle is considered acceptable. The development would result in the loss of some existing vegetation; however, any such loss was previously taken into account by the Inspector in deciding the appeal for the original hybrid application, and found that unforeseen damage to trees (removal, destroyed, dies or becomes seriously damaged or defective), would need to be addressed by suitable conditions for replacement trees. This, taken together with the temporary and localised nature of the development, it is considered that, subject to conditions, the impact of the development on the visual amenity and character of the area would not be materially harmful. Furthermore, the proposed development, subject to conditions, would not result in a detrimental impact on highway safety or the local highway network. No objection is raised in terms of the impact of the development on the amenity of the neighbouring occupiers. Therefore, it is considered that the proposed development would be acceptable and in accordance with policies S1, S4, D1, N2 and T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10 - 12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places

¹ S278 is section of the Highways Act 1980 that allows developers to enter into a legal agreement with the Highway Authority to make permanent alterations or improvements to a public highway, as part of a planning approval.

- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S4 Maldon and Heybridge Strategic Growth
- D1 Design Quality and Built Environment
- N2 Natural Environment and Biodiversity
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (Supplementary Planning Document)
- Maldon District Vehicle Parking Standards SPD
- North Heybridge Garden Suburb Strategic Masterplan Framework (endorsed by Maldon District Council as a material consideration for Development Management purposes in October 2014)
- North Heybridge Garden Suburb Strategic Design Code (endorsed by Maldon District Council as a material consideration for Development Management purposes in March 2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing temporary vehicular access points to facilitate the timely delivery of an approved allocated sites for development within the Local Development Plan (LDP), is considered acceptable.
- 5.1.2 It is considered that the reasons provided by the applicant for the formation of these access points, as discussed in section 3.1 of the report, as well as the duration of the presence and use the access points are acceptable. Furthermore, it is confirmed that the use of the construction accesses will cease and the land would revert to highway verge. This would be secured by the imposition of an appropriately worded condition.
- 5.1.3 Other material planning consideration, including the impact of the development on highway safety, the character of the area and the unavoidable loss of existing vegetation are assessed below.

5.2 Design and Impact on the Character of the Area and the Existing Trees and Hedgerows

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 5.2.3 The proposed development seeks permission for the formation of two vehicular access points onto Maypole Road and Broad Street Green Road, through the construction of formal crossovers. The site is currently open land pending the approved development which comprises a large scale residential development with all the attendant infrastructure of roads, buildings and infrastructure. Therefore, the resultant hard surfacing to create the access points onto the site would not be inconsistent with the approved development nor result in demonstrable harm to the character of the area, considering the amount of development that is expected to come forward on site and subsequent impact that this would have to the overall character and appearance of the area. Given that the access points are off classified roads, the works would be to highway construction standards to provide the appropriate width, alignment and visibility splays to accommodate construction traffic and ensure highway safety.
- 5.2.4 One of the access points onto Broad Street Green Road, would be opposite residential dwellings at No's 71 to 77 Broad Street Green Road. The construction of this access would involve the removal of some trees including some early mature oaks, and a mixed hedge consisting of mainly blackthorn and occasionally hawthorne (H1, T4 and T6). On Maypole Road the proposed access would be formed to the south of an existing track that traverses the site. The vegetation to be removed would include a mature oak tree and a mixed hawthorn, field maple and blackthorn boundary hedge (T95 and H19). These are identified in the submitted Arboricultural Impact Assessment Report, July 2021 (Ref: SHA 1012). It should be noted that the removal of these trees and hedgerows has been allowed under the terms of the hybrid application reference 15/00419/OUT under condition 18 imposed by the Inspector. The relevant section of the table which was included in the Arboricultural Impact Assessment, 23.04.2015 (Ref: DFC 1247) includes all tree works affected and is reproduced overleaf:

Tree surgery recommendations

All tree works to be undertaken in accordance with *BS 3998:2010 Recommendations for tree works*, or industry best practice.

Where appropriate, arisings from tree works should be retained on site as ecological habitat features.

Tree no.	Species	Proposed works	Reason
T1 - T21	Oak and field maple	Fell section	To facilitate the development
T52	Oak	Fell tree	To facilitate the development
T56 - T60	Oak and alder	Fell section	To facilitate the development
T64, T66, T67, T68	Ash and oak	Fell section	To facilitate the development
T73	Field maple	Fell tree	To facilitate the development
T91	Oak	Fell tree	To facilitate the development
T95	Oak	Fell tree	To facilitate the development
T123- T130	Ash	Fell tree	To facilitate the development
T132- T137	Oak and field maple	Fell section	To facilitate the development
T149	Oak	Fell tree	To facilitate the development
H1-H5	Hawthorn, blackthorn, field maple	Fell sections	To facilitate the development
H19	Hawthorn, blackthorn, field maple	Fell sections	To facilitate the development

5.2.5 On the basis of the above, although it is undesirable that a number of trees and hedges will have to be removed to facilitate the development proposed, in terms of their impact on the visual amenity, it is considered that it would have been unreasonable for an objection to be raised by officers in that respect, given that consent for those works was allowed under the terms of the approved hybrid application (15/00419/OUT).

5.2.6 It is also noted that the submitted Arboricultural Impact Assessment Report, July 2021 (Ref: SHA 1012) confirms that the trees to the north of the Broad Street Green

Road access will be protected during works and any roots found along the curvature of the access will be pruned under arboricultural supervision. Furthermore, the approved development will provide a wide range of new planting, enriching the tree numbers, structure and species diversity. This will be secured at the assessment of the relevant reserved matters applications. Furthermore, the impact of the development would be temporary and once no longer required for construction purposes, it will have to revert to its original condition. A condition to secure the submission of landscaping details is imposed to secure that the areas are treated appropriately after the cessation of these temporary works.

- 5.2.7 The Council's Tree Consultant in his response suggested that details of the trees to be retained are in accordance with BS5837:2012. Arboricultural supervision would also be required during the works. This is confirmed within the submitted Arboricultural Impact Assessment Report. It is also advised that the planting scheme, referred to in the Arboricultural Impact Assessment Report, should be focused on native planting and provide space where trees can develop unhindered to become future landscape features. Landscaping to enhance the seasonal amenity and ecological net gain will also need to be considered. This will be secured by the imposed of an appropriately worded condition.
- 5.2.8 In light of the above assessment, it is considered that the impacts of the development on the visual amenity of the area would be temporary and localised. Whilst the loss of some existing trees and hedgerows is undesirable, their removal has already been approved under the terms of the hybrid application (15/00419/OUT) allowed on appeal. Furthermore, subject to the imposition of appropriate conditions, the existing trees that are proposed to be retained will be protected during construction and the replacement planting would be such that the visual amenity of the area will be enhanced following the cessation of the temporary development. On that basis, it is considered that the development would not result in a materially harmful impact on the character and appearance of the area.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The proposed development seeks permission for the formation of two vehicular access points onto Maypole Road and Broad Street Green Road, where crossovers would have to be constructed. One of the access points to allow construction traffic would be onto Broad Street Green, opposite residential units (No's 71 to 77 Broad Street Green Road). On Maypole Road the proposed access would be formed to the south of an existing track that traverses the site.
- 5.3.3 As noted above, although the site is currently open, it has been designated for development within the LDP and permission was allowed on appeal for the erection of a mixed use development, with a large residential element. Whilst there will be some noise disturbance resulting from construction vehicles entering and exiting the site, consideration must be had to the fact that high levels of activity and movement, pedestrian and vehicular, are expected on the site during the wider development of the site and when the homes and businesses are occupied. In this instance the levels of activity and noise disturbance from construction traffic would be localised and temporary for two years in this position, and the applicant has confirmed that the use of the access points towards the latter part of this period would be substantially reduced before cessation of use.

- 5.3.4 Notwithstanding the above, it is considered reasonable that limitations are put in place for the working hours to avoid undue disturbance on nearby residents and other sensitive receptors. Whilst no response from the Council's Environmental Health Team has been received at the time of writing this report, it is considered reasonable that the same working hours as those proposed in the submitted Framework Construction Environmental Management Plan, October 2021, submitted as part of the discharge of condition 7 (application reference: 21/05134/DET) of the approved development 15/00419/OUT are included in this permission, given that they were found acceptable by the Environmental Health Team. The working hours proposed for the construction and delivery times are Monday to Friday between 8.00 hours and 18.00 hours, Saturdays between 8.00 hours and 13.00 hours and no work on Sundays and Bank Holidays. These working hours are typical for construction sites and have been considered acceptable by the Council's Environmental Health Team to control disturbance during the construction on site.
- 5.3.5 Subject to the imposition of a condition restricting working hours it is considered that the impact of the development on residential amenity outside of the typical working day, would be minimal and the proposal is supported in this respect.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Paragraph 111 of the NPPF states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 5.4.2 The proposed development would result in the formation of two temporary access points, one onto Broad Street Green Road, opposite residential units (No's 71 to 77 Broad Street Green Road) and one on Maypole Road to the south of an existing farm track. The Highway Authority has been consulted and found that the impact of the development would be acceptable from a highway and transportation perspective. Conditions however have been suggested to be imposed. The condition would, amongst others, secure that sufficient visibility splays are provided prior to the use of the temporary access points. It is also required that the existing farm access on Maypole road to the north of the proposed access point is closed off, to avoid unnecessary points of traffic conflict in the highway. Finally, complete removal of the temporary construction accesses and reinstatement of the area in accordance with details to be approved by the local planning authority is considered necessary following the cessation of the construction works.
- 5.4.3 It is considered that the abovementioned conditions suggested by the Highway Authority would be sufficient to mitigate any adverse impacts of the proposed temporary construction access points, in terms of highway safety and impact on the existing highway network.
- 5.4.4 Having regard to the above and subject to conditions, it is considered that the development would be in accordance with policy T2 of the LDP and the guidance contained in the NPPF.

5.5 Ecology and biodiversity

- 5.5.1 The proposed development would result in loss of some trees and hedges. As discussed in section 5.2 of the report the removal of these trees and hedgerows was previously considered by the Inspector in determining the hybrid application for the

erection of the mixed use development on the largest allocated site in the Heybridge garden Suburb and found to be acceptable. In particular, in relation to ecology and biodiversity, at paragraph 42 of the appeal decision dated 25 October 2019, the Inspector stated that *“some negative significant impacts at a local level during the construction stage are expected but mitigation measures included in the proposals, including new planting and enhancement of retained habitats, mean that there will be no significant impacts as a result of the completed development”*. On that basis and taking into account these mitigation measures would apply to the currently proposed development, as it is the same application site, proposing the same works to vegetation that was previously consented under the terms of application 15/00419/OUT, it would have been unreasonable an objection in terms of ecological impacts to be raised.

5.5.2 Furthermore, given the temporary nature of the development and subject to the imposition of an appropriately worded condition requiring the submission of details for a landscaping scheme following the cessation of the development, which would focus on native planting in order to enhance seasonal amenity and ecological net gain, it is considered that the ecological and biodiversity impacts of the development would be limited and not significant to warrant refusal of the application on those grounds.

6. ANY RELEVANT SITE HISTORY

6.1.1 The relevant planning history is set out in the table below:

- **15/00419/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). – Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019
- **19/00741/OUT** - Part outline/part detailed (hybrid) application for mixed use development including:
 - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)

- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline). – Approved - 14.10.2019
- **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan – Cleared - 11.05.2020
 - **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Cleared - 15.05.2020
 - **21/00321/NMA** - Application for non-material amendment following grant of Planning Permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Amendment to Condition 31 – Approved - 29.04.2021
 - **21/00538/NMA** - Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9 – Approved - 09.06.2021
 - **21/05031/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development Condition 13 - Ecological conservation management plan. Condition 7 - Construction & environmental management plan. – Cleared - 01.04.2021
 - **21/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 – Archaeology – Cleared - 18.05.2021
 - **21/05107/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 14 - Contaminated land. – Cleared - 18.08.2021
 - **21/00384/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;
 - (a) landscaping for the approved Relief Road,
 - (b) phase 1 entrance green,
 - (c) phase 1 spine road,
 - (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)
 - (e) acoustic bund for phase 1

Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
 - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
 - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
 - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
 - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
 - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
 - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
 - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).) – Approved - 08.10.2021
- **21/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details - pending consideration
 - **21/05121/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 10 - Drainage management - pending consideration
 - **21/05125/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – pending consideration
 - **21/05129/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 18 - Tree protection – pending consideration
 - **21/05134/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction management plan. – pending consideration
 - **21/05135/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 15 - Broadband. – pending consideration
 - **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – pending consideration
 - **21/05162/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - Ecological Conservation Management Plan ECMP in relation to Phase 2 of the development only. – pending consideration

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No comment	

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions.	Noted and discussed in section 5.4 of the report. Conditions are imposed as suggested by the Highway Authority.
Tree Consultant	<p>The arb impact assessment identifies trees they intend to remove to create the temporary access routes, in line with previous consent for the whole scheme.</p> <p>It mentions about protective barriers in the report and that they 'Should' be in place to protect retained trees. I suggest we ask for details of how the retained trees 'Will' be protected in accordance with BS5837:2012. I believe this is achievable but requires documentation to demonstrate this, along with arboricultural supervision visits to ensure the protection measures are in place and maintained.</p> <p>The report also mentions about the scheme having replanting, this should focus on native planting and providing space where trees can develop unhindered to become future landscape features.</p>	Noted and discussed in sections 5.2 and 5.5 of the report. Conditions are imposed as suggested.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Landscaping to enhance the seasonal amenity and ecological net gain will also need to be considered.	

7.3 Internal Consultees (*summarised*)

Name of internal Consultee	Comment	Officer Response
Environmental Health Specialist	No objection. The applicant has submitted a formal consent to do works to the watercourses in Maypole and Broad Street Green Roads and flood risk has been considered. On this basis, no objections is raised.	Noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Impact on highway network due to large amounts of construction traffic along narrow and already congested roads.	Comment noted. The Highway Authority was consulted and raised no objection to the proposed development in terms of its impact on the highway network.
Risk at damaging listed buildings during construction.	The proposed development is located in close proximity to listed buildings. It is not considered that the development would result in additional construction traffic from this expected from the development allowed on appeal under the terms of application 15/00419/OUT which was considered acceptable by the Inspector.
Increased noise levels.	Comment noted and addressed in section 5.3 of the report.
Removal of an oak tree which was retained as part of application 15/00419/OUT.	Comment noted and discussed in section 5.2 of the report. An extract from the agreed works to trees under application 15/00419/OUT is included in this section of the report.
Permission 15/00419/OUT intended to use the relief road for construction traffic. No justification for the currently proposed temporary access points.	The application is supported by a cover letter explaining the reasons for the proposed temporary construction accesses. This is also discussed in section 3.1 of the report.
The access on Broad Street Green	Comment noted; however, the Highway

Objection Comment	Officer Response
Road would result in highway and pedestrian safety issues.	Authority, subject to conditions which are imposed to this permission, are satisfied that the development would not result in unacceptable impacts in terms of highway safety.
High accident rates along Broad Street Green Road.	
Maypole Road would be a much better central access for the whole site.	Noted.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The temporary access points for construction traffic hereby permitted shall be removed and the land restored to its former condition in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority on or before 4 November 2023. The submitted scheme of works shall include, but not limited to, a landscaping scheme focusing on native planting which would enhance seasonal amenity and ecological net gain.
REASON It is not considered that the grant of a permanent planning permission would be appropriate or in line with the approved development, and a temporary permission would enable the local planning authority to reassess the impact of the development on the character and appearance of the area, the impact on residential amenity and highway safety, to avoid traffic conflict in the highway.
- 3 The development hereby permitted shall be carried out in complete accordance with approved drawings: F00134 RJL NA NA DR C 0906; F00134 RJL NA DR C 0907; F00134 RJL NA DR C 0908; F00134 RJL NA DR C 0909; F00134 RJL NA DR C 0910; F00134 RJL NA DR C 0911; F00134 RJL NA DR C 0912 and F00134 RJL NA DR C 0913.
REASON To ensure the development is carried out in accordance with the details as approved.
- 4 Prior to the first use of the accesses the visibility splays of 2.4m x 120m, as shown on Richard Jackson drawings no. 0906 & 0907, shall be provided clear to ground level, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be maintained for the duration of the construction accesses.
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 policy T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 5 Prior to the first use of the new construction access on Maypole Road, the existing farm access to the north of the proposal, shall be permanently closed off, with the highway verge being fully reinstated. All details to be agreed with the Highway Authority.
REASON To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy T2 of the Local Development Plan and the guidance contained in the National Planning Policy Framework.
- 6 The development hereby approved shall be implemented in accordance with the Arboricultural Impact Assessment Report, dated July 2021 (Ref no.: SHA 1012), which is attached to and forms part of this permission.

REASON In order to preserve the natural environment and in the interests of the character and appearance of the area in accordance with Policies S1 and D1 of the Local Development Plan.

- 7 Notwithstanding condition 6, the trees and hedges identified for retention within the Arboricultural Impact Assessment Report, dated July 2021 (Ref no.: SHA 1012) which is attached to and forms part of this permission shall be protected during the course of the development. The trees and/or hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit, and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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 preserve the natural environment and in the interests of the character and appearance of the area in accordance with Policies S1 and D1 of the Local Development Plan.

- 8 The construction and use of the temporary construction access points hereby permitted shall only be undertaken between 8.00 hours and 18.00 hours on weekdays and between 8.00 hours and 13.00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON To protect residential amenity in compliance with policy D1 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.

INFORMATIVES

- 1 The granting of planning permission does not absolve the developer of any amendments required by the Highway Authority under the detailed design highway process; especially any that may compromise highway safety.
- 2 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: SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
- 3 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