



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2022**

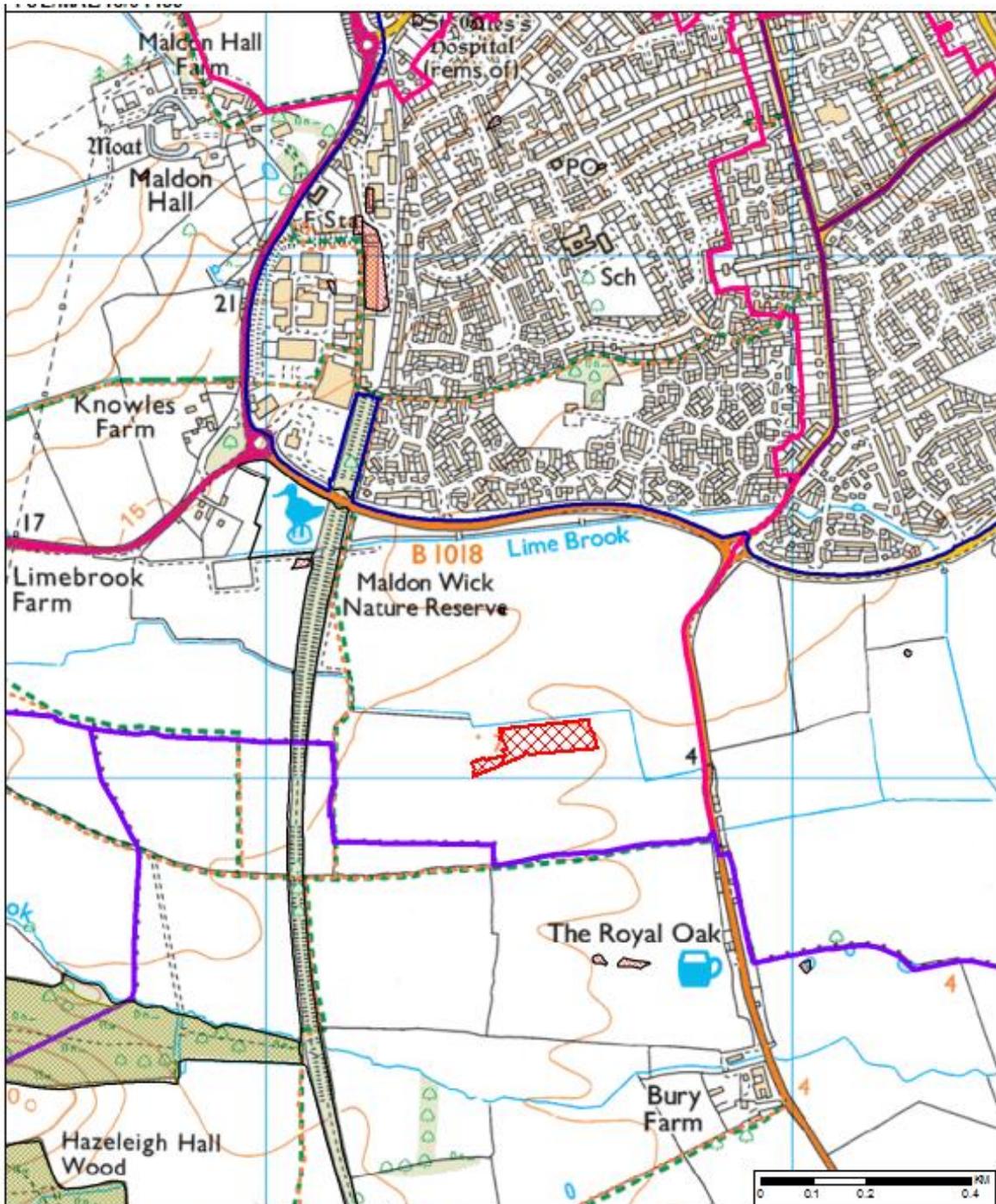
Application Number	22/00454/FUL
Location	Limebrook Park East, Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Development of the site to provide 42 residential dwellings (Class C3) together with associated infrastructure
Applicant	Taylor Wimpey (London)
Agent	Mr Oliver Milne - Savills
Target Decision Date	31.10.2022
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

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 below.



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: Council (Extraordinary)</p>	<p>Date: 08/02/2019</p>
	<p>www.maldon.gov.uk</p>	<p>MSA Number: 100018588</p>

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference OUT/MAL/14/01103) in December 2016, following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Urban Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the site consists of two vehicular accesses off Spital Road / A414 on the western side, an access (roundabout) off Limebrook Way / A414 and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission.
- 3.1.2 The site the subject of the abovementioned outline planning permission was subsequently separated into Eastern and Western Parcels. An application for approval of reserved matters of Phase 1 of the eastern parcel (for 200 dwellings) was granted in 2018 (reference RES/MAL/18/00531) and that for Phase 2 of the eastern parcel (for 406 dwellings) has also been approved (reference RES/MAL/18/01440). Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Eastern Parcel have also already been approved (reference FUL/MAL/18/00494).
- 3.1.3 The current application site is enclosed by the development the subject of Phases 1 and 2 on all sides, to the east would be an attenuation basin, to the west, south and north would be residential properties forming part of Phase 2. Part of the southern boundary would be opposite the public open space proposed within the south-eastern corner of Phase 2. The northern boundary abuts the Lime Brook South Arm main river.
- 3.1.4 The Eastern and Western Parcels are separated by a disused railway known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction. A Public Right Of Way (PROW) follows the western boundary of Phase 2 (part of which is subject to diversion, reference PROW/MAL/18/00831). A watercourse, known as the Lime Brook, runs east-west within the northern part of Phase 2. A high voltage overhead line crosses the western part of Phase 2. The site is generally flat, rising gently to the north towards the A414.
- 3.1.5 The current application seeks planning permission for 42 dwellings which would be in addition to the 1,000 dwellings granted planning permission within the Western and Eastern Parcels referred to above. The applicant, having developed a detailed scheme for Phase 2 of the Eastern Parcel, has identified a land parcel (1.4ha) within the residential area identified in the Land Use Parameter Plan for residential development in addition to the number of dwellings approved as part of the outline planning permission. This piece of land is the current application site and is positioned south of the Limebrook Corridor and north of the Primary Street that is accessed via the southern-most Fambridge Road entrance to the Eastern Parcel.

- 3.1.6 The dwellings the subject of this application would consist of a mix of semi-detached and detached dwellings predominately served by shared surface roads and a series of private drives.
- 3.1.7 A total of 91 car parking spaces are proposed (82 allocated spaces, no unallocated spaces and nine visitor spaces); cycle storage is proposed at a rate of one per dwelling. In addition, five visitor parking spaces from the adjacent Phase 2 of the Eastern Parcel would form part of the parking spaces proposed for visitors. Vehicular access to the proposed dwellings would be via roadways proposed as part of Phase 2 which would provide access to Fambridge Road through Phase 1 and access to Limebrook Way via a new roundabout to be constructed along Limebrook Way towards the north-western corner of Phase 2, details of which have already been approved (reference FUL/MAL/18/00494).
- 3.1.8 All of the dwellings would be two storey in height. External materials would consist of a mixture of red / red multi bricks, buff bricks, white / black boarding, ivory / off-white render, red or brown pan or plain tiles, or reconstituted slate tiles.
- 3.1.9 Rear gardens would be enclosed by 1.8m high close-boarded fencing or, in public positions, brick walls.
- 3.1.10 The proposed market residential mix is as follows:

Dwelling Size	Number and Percentage
2 bed house	8 (29%)
3 bed house	13 (46%)
4 bed house	6 (21%)
5 bed house	1 (4)
Total	28

- 3.1.11 14 (33%) of the proposed dwellings would be affordable housing:

Dwelling size	Number	Tenure
1 bed maisonettes	6 (43)	2 Affordable Ownership/ 4 Affordable Rent
2 bed house	5 (36%)	1 Affordable Ownership/4 Affordable Rent
3 bed house	3 (21%)	3 Affordable Rent
Total	14	

These affordable units would be split between social/affordable/intermediate rent (4no. one bedroom; 4no. two bedroom and 2no. three bedroom units) and affordable home ownership (2no. one bed house; 1no. two bed house and 1no. three bed house). The tenure split would be 79% affordable rent and 21% shared ownership, and the units proposed would comply with Nationally Described Space Standards (NDSS).

- 3.1.12 The application is accompanied by supporting documents as follows:

- Planning Statement;
- Design and Access Statement, prepared by FINC Architects;

- Flood Risk Assessment (FRA) (March 2022), prepared by Ardent Consulting Engineers;
- Z5111 Limebrook Fluvial Model (July 2022)
- Z5111 Limebrook Phase 4 Tidal Submission (July 2022)
- Fluvial Modelling Technical Note, prepared by Ardent Consulting Engineers;
- Hydraulic Modelling Technical Notes, prepared by Ardent Consulting Engineers;
- Transport Statement, prepared by Ardent Consulting Engineers;
- Arboricultural Method Statement, prepared by SES;
- Air Quality Assessment, prepared by Brookbanks Consulting;
- Noise Assessment, prepared by Brookbanks Consulting;
- Ground Investigation Report, prepared by RSK;
- Energy Statement, prepared by Energist;
- Preliminary Ecological Appraisal, prepared by SES (March 2022)
- Draft heads of terms statement

3.1.13 The current application follows the refusal of planning permission for a scheme for 33 dwellings (reference 18/01349/FUL) (see below). As part of the current submission, the applicant draws attention to the fact that, whilst the number of dwellings proposed has increased from 33 to 42 and the density would be greater (30dph rather than 24dph), the total number of bedrooms proposed has only increased from 108 to 109, the total floorspace (including garages) has reduced from 3922sq.m. to 3905sq.m. and the total footprint has reduced from 2453sq.m. to 2387sq.m.

3.2 Conclusion

- 3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which is allocated for residential purposes in the LDP. Whilst the proposal is for dwellings in addition to the 1,000 dwellings which benefit from outline planning permission (most recently granted under reference 22/00393/VARM), given the residential allocation, no objection is raised to the principle of these additional dwellings, particularly as the density of development proposed and that within the rest of the Eastern Parcel would be within the previously approved density ranges.
- 3.2.2 Having assessed the details submitted in relation to the access, layout, scale, appearance and landscaping, in the context of the Strategic Masterplan Framework and the Design Codes which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highway safety, access, parking provision, flood risk (subject to the Environment Agency's objection being overcome) and nature conservation. If planning permission were granted, conditions would need to be imposed to ensure that the relevant infrastructure within the wider Eastern Parcel (general amenity areas and formal open space, drainage etc.) was linked to the development of the additional dwellings proposed and provided within an appropriate time scale.
- 3.2.3 The market housing mix would be acceptable and, whilst the number and location of the units has yet to be identified, the applicant has agreed to provide a proportion of the market housing units specifically for the elderly (those over 55 years of age). The affordable housing mix would also be acceptable being in accordance with the Council's adopted Policy. The development would, therefore, make an appropriate contribution to meeting the market and affordable housing needs of the District.

- 3.2.4 The applicant has agreed to make the necessary financial contributions towards medical services, education and Recreational Avoidance Disturbance Mitigation Strategy (RAMS), and to provide an adequate level of affordable housing. The recommendation of approval is subject to all interested parties first entering into a Section 106 Agreement to secure these financial contributions and the affordable housing offered.
- 3.2.5 On the basis of the above, it is considered that the development proposed would be acceptable and the reasons the previous proposal was refused planning permission (reference 18/01349/FUL) have been overcome.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 55-58 Planning conditions and obligations
- 60-80 Delivering a sufficient supply of homes
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D4 - Renewable and Low Carbon Energy Generation
- Policy D5 - Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network

- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide (where it cross references the MDDG and the garden suburb principles set out in the adopted Masterplan SPD and endorsed Strategic Design Codes)
- Maldon District Design Guide (MDDG) (December 2017)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 The Section 106 Agreement associated with the outline planning permission for the Eastern and Western Parcels (reference OUT/MAL/14/01103) secured the following:

- Highway and public transport obligations
- Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units)
- Education (provision of land for and a financial contribution to Essex County Council)
- Healthcare financial contribution
- Provision of an allotment site
- Financial contribution for youth facilities
- A local management organization to manage and administer the green infrastructure provided
- Children's play areas

4.4.2 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the requirements of the S.106.

4.4.3 The proposed Heads of Terms for the current application agreed with the applicant are as follows:

- Affordable housing (33%);
- A financial contribution towards RAMS (the current rate is £137.71 per dwelling);
- A financial contribution towards Early Years & Childcare (£55,948), Primary Education (£186,494), Secondary Education (£171,180) and Libraries (£3,267.60);
- A financial contribution towards the provision of medical services (£20,800);
- Monitoring fees

4.4.4 As set out in paragraph 56 of the NPPF, planning obligations must only be sought where they meet all of the following tests (as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010):

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

It is considered that all of the items listed above meet these tests.

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development and the housing mix, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of existing/future neighbouring residential properties, the quality of life for the occupiers of the proposed dwellings, highways / access / parking, flood risk, and nature conservation.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.3 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 22/00393/VARM). The site allocations within the LDP are for minimum housing numbers. The proposal would accord with the NPPF, paragraph 59, which refers to the Government's objective of 'significantly boosting the supply of homes'. It is, therefore, considered the introduction of additional dwellings in this location is acceptable in principle.

5.2.4 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS, with the most recently published figures showing that only 3.66 years of housing land supply is currently available.

5.2.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, its housing supply Policies are considered to be out-of-date and the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 8, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 8 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.2.6 At the heart of the NPPF 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 policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5-year housing land supply cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37). As currently the Council is unable to demonstrate a deliverable 5-year supply of housing land, for planning purposes, the housing delivery Policies within the LDP, in particular Policy S1, are out-of-date and so cannot be afforded material weight in the determination of this application. Therefore, with respect to housing delivery, the NPPF would take precedence over the LDP.
- 5.2.7 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.2.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.2.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental parts. The LDP through Policy S1 reiterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up-to-date five-year supply of deliverable housing and on the basis

that sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three-dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme. These three dimensions are assessed below.

5.2.10 Environmental Dimension

5.2.11 Accessibility is a key component of the environmental dimension of sustainable development.

5.2.12 Policy T1 aims to secure the provision of sustainable transport within the District. Policy T2 aims to create and maintain an accessible environment.

5.2.13 The application site is located within the allocated South Maldon Garden Suburb and at the edge of Maldon which is a main settlement both of which contain or will contain a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links.

5.2.14 The location of the site would, therefore, not fail to discourage the use of private cars. Paragraph 105 of the NPPF states that "*The planning system should actively manage patterns of growth in support of these objectives [sustainable transport]. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.*" As highlighted above, occupiers of the site would have opportunities for utilising sustainable transport. The proposal is considered to accord with Policy T2 of the LDP where it seeks 'to provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate'. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.

5.2.15 The other aspects of the environmental dimension of sustainable development (including the impact of the development on the character and appearance of the area, nature conservation and residential amenity) are discussed in the relevant sections below.

5.2.16 Social Dimension

5.2.17 The development would provide 42 dwellings. The housing mix proposed is set out above. The Council currently encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (LHNA) (May 2021) identifies that the greatest need is for two and three-bedroom dwellings. The housing mix proposed, in relation to the housing needs identified as part of this recent LHNA, are as follows:

Market Housing

Dwelling size	LHNA requirement	Proposed
1 bedroom	Up to 10%	0%
2 bedrooms	25-35%	29%
3 bedrooms	40-50%	46%
4+ bedrooms	15-25%	25%

Affordable Ownership

Dwelling size	LHNA requirement	Proposed
1 bedroom	15-25%	67%
2 bedrooms	35-45%	33%
3 bedrooms	25-35%	0%
4+ bedrooms	5-15%	0%

Affordable Rented

Dwelling size	LHNA requirement	Proposed
1 bedroom	30-40%	36%
2 bedrooms	30-40%	36%
3 bedrooms	20-30%	27%
4+ bedrooms	Up to 10%	0%

5.2.18 The development would, therefore, comply with the housing mix ranges identified within the LHNA for the market and affordable rent housing proposed (and overcome the reason the previous planning application was refused). Whilst the mix required for the affordable ownership units would not comply with the mix ranges identified within the LHNA, it is acknowledged that, as only four units are proposed, it would not be possible to fully comply with the housing mix required. Furthermore, it is considered that this issue is out-weighted by the other positive elements of the affordable housing proposed i.e. the provision of 33% affordable units which would exceed the minimum of 30% provision required to comply with Policy H1 of the LDP and 79% of the affordable units being for Affordable/Social Rented which exceeds the 75% requirement referred to in the LHNA. The Senior Specialist Co-ordinator – Housing supports the proposal on this basis and advises that the expectation for the provision of affordable units for older persons is met, in this case, by the two ground floor maisonettes proposed, taking into account that affordable accommodation for older persons was not requested as part of the previous planning application for this site (reference 18/01349/FUL).

5.2.19 As a result, the development would contribute positively to the identified housing need and be sufficiently responsive to local circumstances, which weighs in favour of the proposal and complies with Policy H1 of the LDP. However, it is acknowledged that the social benefits of the residential development of 42 dwellings would not be significant in the context of the District as a whole.

5.2.20 Economic Dimension

5.2.21 It is reasonable to assume that there may be some support for local trade from the development, and the occupiers of the additional units may support local businesses. This would however be limited given the scale of the proposal in the context of the District as a whole. There is also no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. These economic benefits would therefore be considered to be limited.

5.3 Design and Impact on the Character of the Area

5.3.1 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.

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

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

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (2017) (MDDG) and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.

- 5.3.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.

- 5.3.7 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter

plans were also approved as part of the outline planning permission: 'Design Parameter Plan – Land Use', 'Building Height', 'Residential Density', 'Green Infrastructure' and 'Movement and Access'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.

- 5.3.8 There are four broad concept areas defined in the site wide Design Code, three of which are included within the Phase 2 area (Garden Suburb East, Garden Suburb North and Green Cushion). The three individual character areas established in Phase 2 are Primary Streets (tree-lined avenues with a formal arrangement and appearance), Shared Surface Streets (blocked paved with no footpaths, with a verdant setting for the houses) and Private Drives (more informal). The proposed development continues with these character areas. The part of the site in question straddles and provides a transition between two character styles, Garden Suburb East and Green Cushion. The southern boundary of the site faces onto the proposed Green Cushion with an appropriate reduction in density to achieve a transition between character areas.
- 5.3.9 In terms of density, the 'Residential Density Parameter Plan' included an area of high density in the north of the Phase 2 area (35-40dph), an area of medium density in the centre (30-35dph) and an area of low density in the south (20-30dph). The current proposal is located within a 'medium density' area. A density of 30dph is proposed which is considered to be an appropriate density for the site.
- 5.3.10 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. There would be a mix of house-types and an appropriate palette of materials.
- 5.3.11 The Arboricultural Method Statement submitted concludes that no tree removal is required and the root protection area of the one tree (oak) on site (located approximately half-way along the northern boundary of the site) would not be affected. However, mitigation measures, in the form of tree protective fencing, is proposed. The Tree Officer has raised no objections and advises that the arboricultural report shows the tree will not be impacted and can be suitably retained by adhering to the protection measures provided. Therefore, it is not anticipated that the development would have an adverse impact on existing trees.
- 5.3.12 The dwellings would consist of a mixture of 12 house types but all two storeys in height with pitched roofs and using traditional external materials. Whilst 12 different dwelling types for a development of this size is considered to be high, the designs contain a similar architectural style and mix of architectural features. This is also consistent with the other phases within the wider site. It is considered that the character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site.
- 5.3.13 The land parcel is quite narrow, but the layout has followed the approved Phase 1 and Phase 2 layouts for back-to-back garden layout with the principal elevations facing the Primary Street, Limebrook Corridor and internal streets. Whilst no objection is raised to the external materials proposed, it would be necessary to require submission of a sample of the materials for approval by condition if planning permission were to be granted. The Strategy Team supports the proposal as the proposal follows the Garden Suburb Principles set out in the LDP, Policy S3 Place Shaping, the South Maldon Garden Suburb Strategic Masterplan Framework SPD (a

requirement of Policy S3, LDP) and the South Maldon Garden Suburb Strategic Design Codes. Specifically:

- the layout proposed follows the grain and layout of the approved phases that surround/will surround the development.
- the scale proposed complies with the Building Heights Design Parameter Plan approved at Outline stage (up to 2.5 storeys).
- the density of the proposal is acceptable being within the 'Medium Density' range of '30-35 dph' approved at Outline stage in the Density Design Parameter Plan.
- the landscaping complies with the landscape led approach set out in the adopted Strategic Design Codes and Masterplan SPD.
- the appearance follows the commenced development and as set out in the 'Design Section' of the Strategic Design Codes and the Maldon District Design Guide SPD.

5.3.14 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping, in the context of the Strategic Masterplan Framework and the Design Codes which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, could be secured by condition.

5.4 Impact on Residential Amenity

5.4.1 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 MDDG (2017).

5.4.2 The development proposed would be located at a sufficient distance away from existing and proposed residential properties to avoid any adverse impact being caused with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.5 Access, Parking and Highway Safety

5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. The general standards for residential development require at least one car parking space for one bedroom units, two car parking spaces for two/three-bedroom units and three car parking spaces for four+ bedroom units along with visitor parking spaces at a rate of one space per four dwellings. However, it is noted that the adopted standards do allow for reduced parking standards within the Garden Suburbs. In relation to charging for electric vehicles, to comply with the adopted standards, there would need to be at least one home charging point per dwelling and one fast charging point for every 20 communal parking bays with a further 5% of available spaces with power supply to provide additional fast charge sockets. The adopted standards required cycle

parking to be provided as a rate of one per two bedroom dwelling, two per two+ bedroom dwelling and 1 per 8 units for visitors.

- 5.5.3 The Transport Statement submitted concludes that the traffic impact of the development would be minimal (22-24 two way trips in the weekday am and pm peak hours).
- 5.5.4 Means of access to the site was approved as part of the existing outline planning permission (reference 22/00393/VARM). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission.
- 5.5.5 Essex County Council (ECC) Highways has raised no objections to the proposal, subject to the imposition of conditions requiring the provision of the parking and turning areas proposed along with a Residential Travel Information Pack for the new residents, which could be imposed if planning permission were to be granted.
- 5.5.6 It is stated that parking provision would consist of a total of 91 car parking spaces (82 allocated spaces and nine visitor spaces and that cycle storage would be provided at a rate of one per dwelling.
- 5.5.7 The parking provision proposed would not comply with the general adopted standards for new residential development as 4no. of the four bedroom dwellings proposed would be provided with only two off-street parking spaces instead of the three required and five visitor parking spaces are proposed instead of the minimum of 11no. parking spaces required. Reference is also made to the use of 5no. visitor parking spaces within the adjacent Phase 2 of the Eastern Parcel but the use of any more than one of these visitor parking spaces would result in the number of visitor parking space provided as part of this previously approved development not being sufficient to comply with the general adopted parking standards for new residential development.
- 5.5.8 The above issues regarding the parking proposed has been raised with the applicant but it is not anticipated that the layout proposed will be revised. However, whilst, overall, there would be an under-provision of a total of nine parking spaces (one space each for 4no. of the four bedroom houses proposed and 5no. visitor parking spaces) in relation to the general parking standards for residential development, it is noted that the adopted standards do allow for reduced parking standards within the Garden Suburbs and nine parking spaces is a relatively small number in the context of the Eastern Parcel as a whole (a total of 648 dwellings). The adopted parking standards state that *'Lower parking provision may be acceptable within town centre locations or the Garden Suburbs depending on access to alternative means of transport, subject to a minimum provision of 1 car parking space per dwelling.'* The occupiers of the dwellings proposed would have access to alternative means of transport (including buses, cycle paths and footpaths) to be able to travel to services and facilities within the Garden Suburb itself and beyond which would justify a reduction in car parking provision as allowed for within the adopted standards in this case. Furthermore, cycle storage for those dwellings without a garage and the provision of charging points could be required by condition if planning permission were to be granted. In addition, it is considered that the development would be acceptable with respect to access and other highway safety matters, subject to the imposition of conditions including a condition to ensure the highways infrastructure required to access the development (which would be located within the wider Eastern Parcel) is provided.

5.5.9 Therefore, it is considered that the development proposed is acceptable in terms of highway safety, access and parking provision.

5.6 Quality of Life for the Occupiers of the Proposed Dwellings

5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

5.6.2 The dwellings proposed would be provided with private amenity space which would comply with the recommended minimums. Whilst no children's play space is provided within the application site, the wider development on the Eastern Parcel includes a Neighbourhood Equipped Area for Play (NEAP), Local Equipped Area for Play (LEAP), formal sports pitches and informal areas of play which would be sufficient to meet the needs of the occupiers of the additional dwellings proposed. The 'back-to-back' distances would generally comply with the minimum of 25m recommended in the Essex Design Guide.

5.6.3 The Noise Assessment demonstrates that internal noise levels can be achieved within the dwellings subject to appropriate glazing and building envelope elements as specified within the report.

5.6.4 The Specialist – Environmental Health has raised no concerns in relation to noise levels or the quality of life for the occupiers of the proposed dwellings.

5.6.5 Based on the above, it is considered that the future occupiers of the proposed development would be provided with an adequate quality of life, subject to the imposition of a condition to ensure that the public open space which would be located within the wider Eastern Parcel, is provided.

5.7 Flood Risk and Drainage

5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.

5.7.2 The Flood Risk Assessment (FRA) submitted concludes that the development will be safe for its lifetime and not increase flood risk elsewhere and that all units will be above the maximum anticipated flood level during the 1 in 200 annual probability event climate change breach scenario (6.038m AOD). It is stated that the surface water drainage system can accommodate the additional development flows.

5.7.3 As part of the FRA it is stated that, as the wider site has secured outline planning permission, the overall development is deemed to have passed the Sequential and Exception tests. The stated aims of the FRA are to establish that the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall. The following information is included within the FRA:

- The site is protected from tidal flooding by the flood defences on the Blackwater Estuary but there is a residual risk of flooding in the event these defences are breached or overtopped.

- Ground levels within the site would ensure that all units are elevated above the anticipated maximum flood level in the 1 in 200 annual probability event plus climate change breach scenario.
- Finished floor levels would elevate the units above the 1 in 1000 annual probability event plus climate change breach scenario.
- Safe access and egress for the site is provided, due to height of ground levels, in the 1 in 200 annual probability event plus climate change breach scenario to allow most users to proceed westwards and then northwards on the spine road ensuring a dry evacuation route. This would not apply to 12 of the units in the eastern side of the site but this would be a 'low' hazard as the predicted flood levels would be navigable by most vehicles and flooding is only expected to occur for approximately 30-45 minutes during the peak of the extreme tide cycle before receding again. However, finished floor levels of all residential units are elevated sufficiently to provide safe refuge at ground floor level and above during the 1 in 1000 annual probability event plus climate change breach scenario.
- There is a low risk of flooding from other sources (fluvial, surface water, ground water, artificial and sewer).
- The surface water and foul drainage would be accommodated in the systems approved as part of the wider Parcel.

5.7.4 A Fluvial Modelling Technical Note, prepared by Ardent Consulting Engineers and a Hydraulic Modelling Technical Notes, prepared by Ardent Consulting Engineers have also been submitted as part of the current application.

5.7.5 The Environment Agency (EA) has raised a holding objection and require additional information to be provided to overcome the concerns raised. Further hydraulic modelling information has been provided and a further consultation response from the EA is awaited.

5.7.6 In response to the previous proposal for 33 units within the same site, the EA advised that their maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding and the proposal, for residential units, is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. They advised that, to comply with national policy, the application needed to pass the Sequential and Exception Tests and be supported by a site specific FRA.

5.7.7 The application site forms part of a wider site allocated for residential purposes within the LDP and outline planning permission for residential development has already been granted (most recently under reference 22/00393/VARM). Therefore, it is not necessary for the development to pass either the Sequential Test or the Exceptions Test.

5.7.8 Based on the contents of the FRA submitted and assuming that the additional information provided has overcome the concerns raised by the EA, it is considered that the development would be safe for its lifetime.

5.7.9 Details of foul and surface water drainage were approved as part of planning permission reference FUL/MAL/18/00494 which covers the whole of the Eastern Parcel.

5.7.10 ECC SuDS Team have raised no objections subject to the imposition of conditions requiring a detailed surface water drainage scheme for the site.

- 5.7.11 Anglian Water Services has raised no objections but recommends informatives. They advise that foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.
- 5.7.12 Based on the above, the development would be acceptable from a flood risk and drainage perspective, subject to the imposition of conditions, including one to ensure that the drainage infrastructure to be provided within the wider Eastern Parcel, is provided.

5.8 Nature Conservation

- 5.8.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.8.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.8.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.8.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.6 The Preliminary Ecological Appraisal submitted concludes that the development would have either a neutral or minor positive effect. The following mitigation and enhancement measures are proposed: financial contribution towards RAMS, the provision of open green space on site; precautionary measures in relation to badgers; the provision of wildlife friendly landscaping, integrated bat boxes, bird boxes and sensitive lighting; vegetation clearance outside bird nesting, reptile/hedgehog etc hibernation seasons; and no works within 5m of the brook in the interests of water voles. Reference is also made to the provision of hedgehog gravel boards in the submitted Design and Access Statement.
- 5.8.7 The Lead Countryside and Coast Co-ordinator has raised no objections to the proposed but recommends that conditions are imposed requiring greater biodiversity enhancements (specifically, 12no. rather than 3no. bat boxes, 20no. rather than 5no. bird boxes – a mix of swift and sparrow-type boxes, hedgehog and amphibian 'highway' gaps and a bat sensitive lighting plan) and the inclusion of more native and naturally/locally occurring species within the soft landscaping. These could be secured by condition if planning permission were to be granted.
- 5.8.8 Based on the above, there is no reason to conclude that the development would have an adverse impact on the ecology of the site.

- 5.8.9 In terms of off-site impacts, Natural England (NE) has advised that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.8.10 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.8.11 NE anticipate that, in the context of the Local Planning Authority's (LPA) duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.12 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.13 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £137.71 per dwelling.
- 5.8.14 To accord with NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £137.71 per dwelling (£5,783.82 in total) is necessary, in this case.

- 5.8.15 Subject to a Section 106 Agreement being entered into to secure the necessary financial contribution and based on the above, it is considered that the development proposed would not cause harm to nature conservation.

5.9 Other Material Considerations

- 5.9.1 Air Quality: in terms of air quality, the Air Quality Assessment submitted concludes that there would be no predicted exceedances of the annual mean concentrations of Nitrogen Dioxide (NO₂), Particulate Matter (PM)₁₀ and PM_{2.5} objectives. The Assessment concludes that the air quality within the site will be acceptable for future residents without the need for mitigation. Based on the conclusions of this Assessment and as the Specialist - Environmental Health has raised no adverse issues in relation to the development, it is not considered that the development would have an adverse impact in relation to air quality (Policy D2).
- 5.9.2 Contaminated Land: the Ground Investigation Report submitted states that no adverse issues were identified. The Report concludes that no further assessment or remedial measures are necessary and that the site is suitable for the proposed residential end use. Based on the conclusions of this Report and as the Specialist - Environmental Health has raised no adverse issues in relation to the development, it is not considered that the development would have an adverse impact in relation to contaminated land (Policy D2).
- 5.9.3 Energy Efficiency: the Energy Statement submitted predicts that the development would achieve levels above those required through Building Regulations through a fabric first approach without the need for renewable energy technologies.
- 5.9.4 Archaeology: ECC Archaeology have advised that no further archaeological work is required for this site (Policy D3).
- 5.9.5 Medical Services: the NHS has requested a financial contribution of £20,800 be secured for the increased capacity of local healthcare services which will be required as a result of the development (Policy I1).
- 5.9.6 Education: ECC Education has raised no objection subject to financial contributions towards Early Years & Childcare (£55,948), Primary Education (£186,494), Secondary Education (£171,180) and Libraries (£3,267.60) being secured. The

recommendation of approval below is subject to the applicant first entering into a Section 106 Agreement to secure these contributions (Policy I1).

5.10 Planning Balance and Conclusions

- 5.10.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5-year housing land supply. The tilted balance is engaged in this case and hence the local planning authority must give significant weight to the NPPF and its fundamental position of sustainable development, which is the defining purpose of the planning system, as a material consideration.
- 5.10.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.10.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land, which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.10.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.10.5 With regard to the 3 tests of sustainability, it is considered that the economic benefits would be limited. In social terms, the proposal would have some benefits, including the provision of additional residential units at a time when the Council is only able to demonstrate 3.6 years of deliverable land for housing along with the provision of more than the minimum of 30% affordable housing required and with a tenure split including more than 75% Affordable/Social Rented units. Whilst these benefits would be limited in the context of the District as a whole given the number of residential units proposed, they weigh in favour of planning permission being granted and are considered to outweigh the limited harm the development would cause in relation to the under provision of parking spaces referred to above. Provided that the Environment Agency is able to advise that their holding objection has been overcome, no other adverse environmental impacts have been identified.
- 5.10.6 Therefore, overall, the development is considered to be sustainable which weighs heavily in favour of planning permission being granted and results in the development being acceptable.

6. ANY RELEVANT SITE HISTORY

Outline Application Site:

- **13/01169/SCR** – Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **14/01103/OUT** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early

years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.

- **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.
- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of OUT/MAL/14/0110 as amended by permissions FUL/MAL/16/01454 & FUL/MAL/16/01458 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.
- **17/00396/FUL** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **18/00070/FUL** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and

SuD features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.

- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **18/00494/FUL** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018
- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application FUL/MAL/16/01454 – Deed of Variation completed
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Approved 27.03.2020
- **20/00074/FUL** - Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 19.06.2020
- **22/00393/VARM** - Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields,

landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 12.08.2022

Eastern Parcel

- **18/00531/RES** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works. Approved 11.09.2018.
- **18/00831/PROW** - Diversion of a public footpath 8 PROW 253. Approved 11.07.2019.
- **18/01396/SCR** - Request for Environmental Impact Assessment Screening Opinion for a proposed development of up to 40 additional residential units. Not required.
- **18/01439/FUL** - Redevelopment to provide 33 residential units (Class C3) together with associated infrastructure. Refused 12.03.2019 for the following reasons:
 1. *The proportion of smaller residential units within the open market housing mix proposed is not consistent with the Council's Strategic Housing Market Assessment and inadequate justification for such variation has been provided. The proposal therefore fails to deliver the housing required to serve the Maldon District and fails to accord with policy H2 of the Maldon District Approved Local Development Plan and the National Planning Policy Framework.*
 2. *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary affordable housing and financial contributions towards medical services, education and RAMS have not been secured. As a result, the development would not meet the identified need in the locality to address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, would have an adverse impact on the European designated nature conservation sites and would not make adequate provision for medical services and education for the future occupiers of the site, contrary to Policies S1, S2, S3, S4, H1, D1, D2, N1, N2 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.*
- **18/01440/RES** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated work. Refused 25.03.2019.
- **18/05066/DET** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103) Condition 7 - Strategic phasing plan. Approved 08.06.2018.
- **18/05078/DET** - Compliance with conditions notification FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a

primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 45 - Trees & hedgerows. Condition 47 - Position & proposed depth of excavation trenches for all services. Condition 54 - Allotments plan. Condition 61 - Management & maintenance of all watercourses. Condition 64 - Foul water drainage. Condition 67 - Submission of archaeological assessment. Condition 68 - Secured implementation of archaeological assessment. Condition 74 - Contaminated land assessment. Condition 81 - Construction Environmental Management Plan (CEMP). Condition 84 - Superfast broadband. Approved 05.10.2018.

- **18/05193/DET** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 7 - Strategic phasing plan. Approved 09.01.2019.
- **19/00411/RES** – Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work – Approved 12.07.2019
- **19/05007/DET** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)). Condition 56 – Materials (Phase 1) Approved 19.03.2020.
- **19/05168/DET** – Compliance with conditions notification FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 24 - Residential Travel Information Pack – Approved 10.12.2019

- 19/05020/DET** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Conditions 45 - Trees & Hedges. Condition 47 - Trenches. Condition 50 - Assessment of ground conditions. Condition 73 - Noise impact assessment. Condition 76 - Validation report. Condition 81 - Construction environmental management plan. Approved 04.09.2019.
- 20/05122/DET** - Compliance with conditions notification RES/MAL/19/00411 (Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work) Condition 4 – Materials – Approved 18.01.2021
- 21/05016/DET** - Compliance with conditions notification 18/00531/RES (Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works.) Condition 2 - Layout & treatment of materials where the proposed greenways cross the primary streets. Approved 25.03.2021
- 21/05046/DET** Compliance with conditions notification 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))) Condition 50 - Playing field provision. Approved 16.05.2022
- 21/05095/DET** - Compliance with conditions notification 19/00411/RES (Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work) Condition 4 - Materials (revised) -Approved 07.12.2021
- 22/05056/DET** Compliance with conditions notification 19/00411/RES (Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 406 residential dwellings (Use Class C3) and associated work) Condition 7 - Area boundary treatment and landscaping Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal: to increase the amount of houses from 33 to 42 on this site would be overdevelopment and result in overcrowding and a cramped street scene contrary to policy D1 of the Maldon District Local Development Plan.	Noted – refer to section 5.3 of report.
Woodham Walter with Hazeleigh Parish Council	No response.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objections, subject to the imposition of conditions.	Noted – refer to section 5.5 of report.
ECC Archaeology	The site has been previously archaeologically trial-trenched and no further fieldwork is required.	Noted – refer to section 5.9 of report.
Anglian Water Services	No objections but recommends informatives. The foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows.	Noted – refer to section 5.7 of report.
Essex and Suffolk Water	No response.	
ECC Education	No objection subject to financial contributions towards Early Years & Childcare (£55,948), Primary Education (£186,494), Secondary Education (£171,180) and Libraries (£3,267.60);	Noted – refer to section 5.9 of report.
ECC SuDS Team	No objection subject to the imposition of conditions requiring a detailed surface water drainage scheme for the site.	Noted – refer to section 5.7 of report.
Natural England	Advises that a Habitats	Noted – refer to section

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Regulation Assessment is carried-out by the local planning authority.	5.8 of report.
Environment Agency	Holding objection.	Additional information has been provided and a further consultation response is awaited – refer to section 5.7 of report.
Essex Police Designing Out Crime	No concerns with the layout but, to comment further, finer detail such as the proposed lighting, boundary treatments and physical security measures is required. Would welcome the opportunity to assist the developer to achieve a Secured by Design Homes award.	Noted.
NHS Property Services	A financial contribution of £20,800 would be required.	Noted – refer to section 5.9 of report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Strategy Team	No objections.	Noted – refer to section 5.3 of report.
Specialist – Environmental Health	No adverse comments or objections to the application.	Noted – refer to sections 5.4, 5.6 and 5.9 of report.
Senior Specialist Co-ordinator – Housing	Supports the proposal.	Noted – refer to section 5.2 of report.
Tree Consultant	No objection – the arboricultural report shows the tree will not be impacted and can be suitably retained by adhering to the protection measures provided.	Noted - refer to section 5.3 of report.
Lead Countryside and Coast Co-ordinator	No objection subject to the imposition of conditions requiring greater biodiversity enhancements and more native and naturally/locally occurring species within the soft landscaping.	Noted - refer to section 5.8 of report.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Affordable housing (33%);
- A financial contribution towards RAMS (the current rate is £137.71 per dwelling);
- A financial contribution towards Early Years & Childcare (£55,948), Primary Education (£186,494), Secondary Education (£171,180) and Libraries (£3,267.60);
- A financial contribution towards the provision of medical services (£20,800);
- Monitoring fees

PROPOSED CONDITIONS

Pre-Commencement Conditions

Pre-commencement conditions are recommended and the applicant/agent has been written to to advise of the intention to use these conditions. If no response is received or no objection raised to the condition within 10 days, the Local Planning Authority is able to impose the suggested conditions. The recommended below is made on the assumption that agreement is gained.

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) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

22.1644.010 Accommodation Schedule 100 rev.AE
22.1644.050 rev.B site location plan
22.1644.100 rev.AH site layout
22.1644.110 block plan
22.1644.201 rev.B materials plan
22.1644.202 rev.B parking layout
22.1644.203 rev.B garden areas plan
22.1644.204 rev.B refuse plan
22.1644.205 rev.A storey heights plan
22.1644.206 rev.B density plan
22.1644.207 rev.C affordable housing plan

22.1644.300 rev.A street scene AA
22.1644.301 rev.A streetscene BB

22.1644.400 rev.A NA20
22.1644.401 rev.A NA20
22.1644.410 NA32
22.1644.420 rev.A NT30
22.1644.421 NT30
22.1644.422 rev.A NT30
22.1644.423 rev.A NT30
22.1644.424 NT30
22.1644.425 NT30

22.1644.430 rev.A NT31
22.1644.440 NT32
22.1644.441 rev.A NT32
22.1644.450 rev.A NA42
22.1644.460 rev.A NA43
22.1644.461 rev.A NA43
22.1644.462 rev.A NA43
22.1644.463 rev.A NA43
22.1644.470 rev.A NT42
22.1644.471 rev.A NT42
22.1644.480 rev.A NA51

22.1644.481 rev.A NA51
22.1644.500 rev.A maisonette 2x1B
22.1644.501 rev.A maisonette 2x1B
22.1644.502 rev.A maisonette
22.1644.503 rev.A maisonette 4x1B
22.1644.510 rev.A NA21
22.1644.511 rev.A NA21
22.1644.520 rev.A NA30
22.1644.521 rev.A NA30
22.1644.530 NA34 (Coltford)
22.1644.531 NA34 (Coltford)

22.1644.601 rev.A single garages
22.1644.602 rev.A twin garages

Z5111-041 rev.B swept paths

3000_300_C_Phase 4 Soft Landscape Proposals Sheet 1 of 2
3000_301_C_Phase 4 Soft Landscape Proposals Sheet 2 of 2
3000_302_C_Phase 4 Hard Landscape Proposals Sheet 1 of 2
3000_303_C_Phase 4 Hard Landscape Proposals Sheet 2 of 2

Arboricultural Method Statement, prepared by SES

Energy Statement, prepared by Energist

REASON To ensure that the development is carried out in accordance with the details as approved.

3. 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 hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - An updated drainage strategy incorporating all of the above bullet points including matters already approved and highlighting any changes to the previously approved strategy.

The scheme shall subsequently be implemented prior to occupation.

REASON To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure the effective operation of SuDS features over the lifetime

of the development, to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policies S4 and D5 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

4. Prior to the occupation of any of the dwellings hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided. The surface water drainage system shall be maintained as approved.

REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policies S4 and D5 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

5. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policies S4 and D5 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

6. The development shall be carried-out in accordance with the Preliminary Ecological Appraisal prepared by SES (March 2022) as well as the following additional biodiversity enhancements prior to the occupation of the development:

- installation of a total of 12no. bat boxes (mixed provision of built in and externally fitted) across the development units in accordance with the Preliminary Ecological Appraisal (paragraph 4.13);

- installation of a total of 20no. bird boxes (mixed provision of Swift bricks and sparrow-type) across the development units in accordance with the Preliminary Ecological Appraisal (paragraph 4.18);

- installation of hedgehog (& amphibian) "highway" gaps in every boundary fence which shall be suitably sign-posted for new residents. These gaps should be both between neighbouring plots and in external fencelines in accordance with the Preliminary Ecological Appraisal (paragraph 4.23).

REASON To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in accordance with Policies S1, S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

7. No development above slab level shall take place until details of a lighting strategy for the development including details of the location and type of fixtures and fittings has been submitted to and approved in writing by the Local Planning Authority. No external lighting except for that approved shall be installed and once implemented shall be retained in accordance with the approved scheme.

REASON To safeguard the character and appearance of the site and residential amenity and to mitigate the impact of the development on bat species commuting and foraging through the site, particularly due to the proximity to the brook and the future Public Open Space/sports provision to the south-east, in accordance with Policies S1, S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

8. Notwithstanding the soft landscaping details submitted, no development above slab level shall take place until revised soft landscaping details to include more native/local species have been submitted to and approved in writing by the local planning authority. 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 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, 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 In the interests of the character and appearance of the development and to secure opportunities for enhancing the site's nature conservation value in accordance with Policies S1, S3, S4, S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

9. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (March 2022), Fluvial Modelling Technical Note, Hydraulic Modelling Technical Notes, Z5111 Limebrook Fluvial Model (July 2022) and Z5111 Limebrook Phase 4 Tidal Submission (July 2022), prepared by Ardent Consulting Engineers.
REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policies S3, S4 and D5 of the Maldon District Approved Local Development Plan.
10. No development shall commence until samples of all materials to be used in the construction of the external surfaces of the development, 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 Policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
11. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.
REASON In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements in accordance with Garden Suburb principles and in accordance with Policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
12. The boundary treatment hereby 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 as well as in the interests of the character and appearance of the development, in accordance with policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
13. The foul drainage scheme shall be implemented as approved prior to occupation of any of the dwellings hereby permitted and maintained in accordance with the approved scheme thereafter.
REASON To prevent the increased risk of pollution to the water environment in accordance with policies S4 and D5 of the Approved Maldon District Local Development

Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

14. Each of the dwellings hereby permitted shall be provided with an electric vehicle charging point and a cycle store (the latter in accordance with details which shall have been submitted to and approved in writing by the local planning authority) prior to their occupation. The development shall be retained as approved thereafter.
REASON To ensure appropriate parking is provided in accordance with Policies S3, S4, D1 and T2 of the approved Maldon District Local Development Plan.
15. The vehicle parking and turning areas proposed shall be provided, hard surfaced, sealed and marked out prior to the first occupation of the development in accordance with the approved details. The parking and turning areas shall be retained, in perpetuity, as approved and for their intended purpose.
REASON To ensure that appropriate parking and turning is provided, in accordance with Policy D1 of the Approved Maldon District Local Development Plan and the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document.
16. No development shall commence above slab level until a strategy to facilitate superfast broadband for future occupants of the site has been submitted to and approved in writing by the local planning authority. The strategy may include commercial arrangements for providers and shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the local planning authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
REASON In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
17. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification) there shall be no hard surfacing of front gardens.
REASON In the interests of visual amenity ensuring that front gardens are retained as attractive landscape elements in accordance with Garden Suburb principles and in accordance with policies S3 and D1 of the Approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.
18. No development above slab level shall take place until details of the dwellings to be occupied only by those 55 years and over have been submitted to and approved in writing by the local planning authority. The occupation of these dwellings shall be limited to those aged 55 years and over.
REASON In order to ensure that the development makes adequate provision for market housing for the elderly in accordance with the housing needs of the District identified within the Local Housing Needs Assessment (2021), in accordance with Policies S3, S4, H2 and H3 of the approved Maldon District Local Development Plan and the NPPF.
19. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details throughout the construction period.
REASON In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the National Planning Policy Framework.

20 No development shall be occupied on site until the highway infrastructure serving the site, bus service and children's play areas approved as part of the adjacent development (Phase 2 of the Eastern Parcel references 22/00393/VARM, 18/00494/FUL and 18/01440/RES, as amended) have been completed and are ready for use.

REASON To ensure that the development is provided with satisfactory means of access and amenities, in accordance with Policies S3, S4, D1 and T2 of the approved Maldon District Local Development Plan, the South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document, NPPF and PPG.

21. Prior to the first occupation of the proposed development, a Residential Travel Information Pack for sustainable transport to include six one day travel vouchers for use with the relevant local public transport operator shall be provided for occupiers of each of the dwellings hereby permitted. Details of the Travel Information Pack shall be submitted to and approved in writing by the local planning authority prior to being provided to any occupier.

REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport, in accordance with Policies S3, S4, D1 and T2 of the approved Maldon District Local Development Plan.

INFORMATIVES

1. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
2. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
3. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
6. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
7. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.
8. ECC will not adopt street lighting on shared surfaces.
9. ECC cannot commit to adoption of the roads if they fail to meet the appropriate geometric standards required.
10. Any trees and non-standard materials/equipment proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public

highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

11. 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 contact the Development Management Team by email at development.management@esseshighways.org
12. 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.