REPORT of
DIRECTOR OF SERVICE DELIVERY

to
DISTRICT PLANNING COMMITTEE
14 JUNE 2023

Application Number	**22/01174/OUTM**
Location	Land North Of The Groves, Burnham Road, Latchingdon
Proposal	Outline planning application (with all matters reserved except for means of access from Steeple Road and Burnham Road) for residential development of up to 160 dwellings including affordable housing, 5% bungalows, 100sqm of office hub floorspace, 0.21ha of land for children's day nursery and associated parking (Use Class E), community park, sustainable urban drainage system and associated infrastructure.
Applicant	Mr G & J Ferguson - Catesby Strategic Land Ltd
Agent	Ms Lynsey Rigg - Armstrong Rigg Planning
Target Decision Date	06.03.2023 – EoT agreed to 30.06.2023
Case Officer	Tim Marsh
Parish	**LATCHINGDON**
Reason for Referral to the Committee / Council	Major application

1. RECOMMENDATION

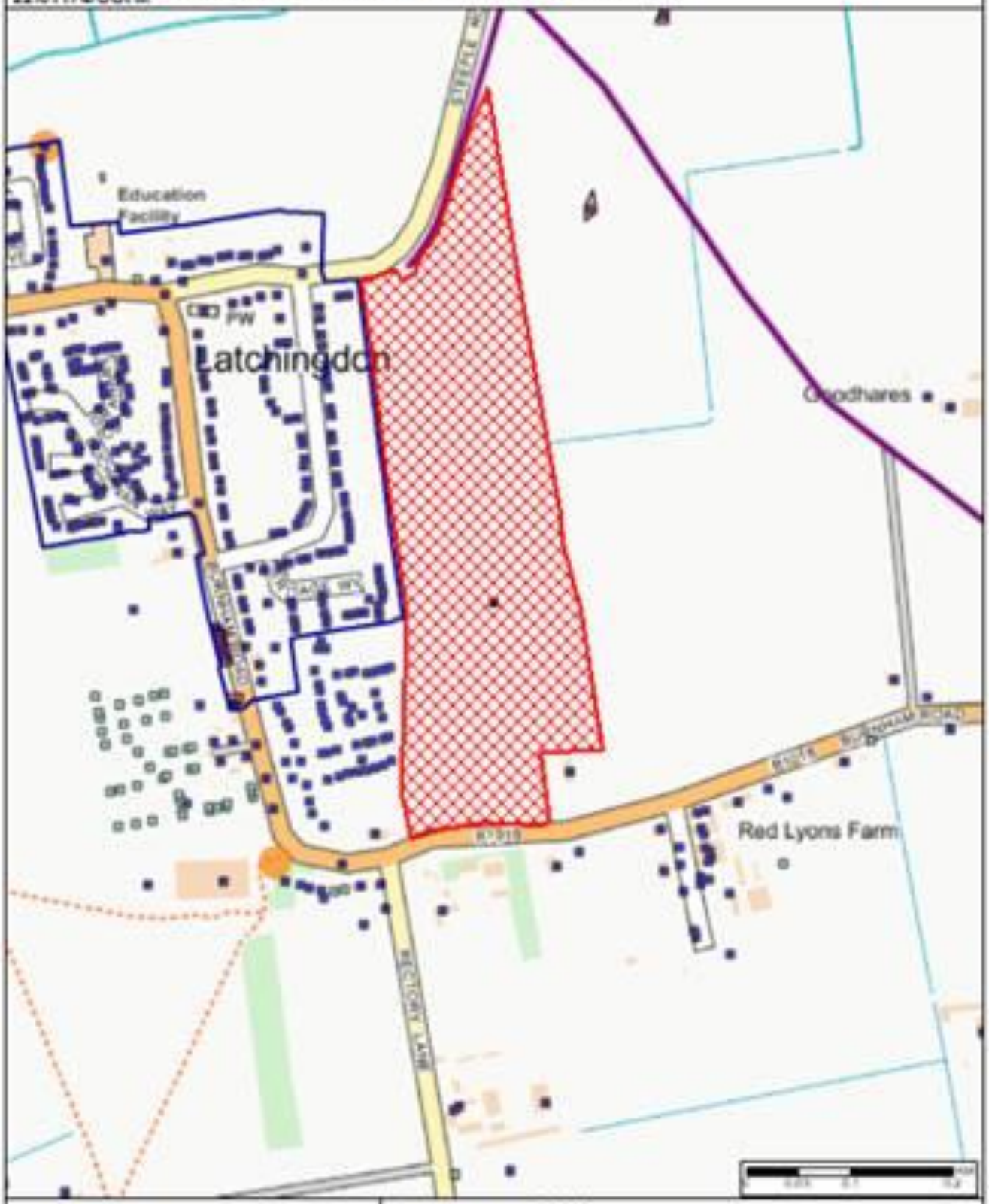
APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 9.

2. SITE MAP

Please see below.

Land North of The Groves, Burnham Road, Latchingdon

22/01174/OUTM



Scale:	1:5,000
Organisation:	Maldon District Council
Department:	Department
Comments:	District Planning Committe
Date:	18/05/2023
MSA Number:	100018588

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Summary

2.1 Proposal / brief overview, including any relevant background information

Site description

2.1.1 The site is predominantly flat, rectangular in shape and approximately 10Ha in size. It lies adjacent to but outside the eastern edge of the defined settlement boundary for Latchingdon and comprises of two agricultural fields south of Steeple Road and north of Burnham Road, and includes some native hedgerows, boundary trees and ditches. Detached dwellings bounded by mature hedges lie to the south and to the west more modern residential development currently form the edge of the village. The site is not the subject of any national or local landscape designations.

2.1.2 The site is identified as suitable as a potentially suitable location for housing (reference LD4 and LD6) in the Council's Housing and Economic Land Availability Assessment (HELAA) January 2022.

Description of proposal

2.1.3 The application has been submitted in outline form with all matters of detail reserved for future determination, except for means of access to the site. It proposes a residential development of up to 160 homes, including affordable housing, 5% bungalows, 100sqm of office hub floorspace, 0.21ha of land for children's day nursery and associated parking (Use Class E), community park, sustainable urban drainage system and associated infrastructure.

2.1.4 Two points of vehicular access proposed, one from the south off the B1018 Burnham Road and Steeple Road to the north. The proposed development would thus create a new pedestrian (but not vehicular) link from S-N between the two main roads running E-W to and from Latchingdon. A new Pedestrian link into the site from Beech Drive is also identified on the site's western boundary.

2.1.5 In summary the supporting information and the illustrative masterplan provided propose:

- Up to 160 homes at a density of around 18dph gross comprising a mix of sizes, types and tenures in line with identified need and no greater than two storeys in height.
- Up to 64 (40%) affordable homes.
- Land for a children's day nursery.
- Land for a 100sqm office hub.
- Significant green infrastructure in the eastern part of the site, with potential use as public open space as part of a new community park, children's play area and a Multi-Use Games Area (MUGA).
- Allotments.
- A Sustainable Urban Drainage System (SuDS).
- Retention of important trees, woodland and hedgerows within the site and on its boundaries with enhanced landscape planting.
- New soft landscape features within the development to replicate the character of the village edge and soften its impact.
- Policy-compliant car and cycle parking.

- Retention of an existing World War 2 (WW2) Pillbox.

Background

2.1.6 This application has been made following the Council's call for sites as part of the ongoing review of the Maldon District Local Plan, and identification of the land as a potentially suitable location for housing (reference LD4 and LD6) in the Council's HELAA January 2022. It should be clearly noted however that the HELAA does not allocate land for development or presume that a planning application would be supported. The Maldon District HELAA has been prepared having regard to the published Government guidance that is applicable to all other local planning authorities in England as well, and the methodology used is set out in the HELAA Report.

2.1.7 Pre application advice on the proposal subject of this application was issued under application 22/03117/PREAPP. The advice concluded that a form of residential development based on the proposed illustrative masterplan could potentially be recommended favourably for planning permission under the tilted balance subject to:

- Confirmation that existing facilities and services have the capacity to meet the demands arising from the significant additional growth in population that the proposed housing would generate.
- Provision for affordable housing in accordance with the Council's requirements.
- Provision for access, parking and highway safety to the satisfaction of Essex County Council as Highway Authority.
- Provision for ecology and biodiversity to the satisfaction of Essex County Place Services and Natural England (NE).
- Confirmation of adequate provision for surface and foul water drainage.
- Confirmation that the Conservation Officer concurs with the conclusions of the applicant's Heritage Impact Assessment that the proposal would not harm the significance or an appreciation of any heritage assets.
- A Section 106 (S106) Agreement to secure the provision of on-site affordable housing and open space, contributions for improvements to health care services, and the Recreation Disturbance Avoidance Mitigation Strategy (RAMS) contribution.
- Improved connections to the existing village.
- The provision of useable spaces including children's play areas and a MUGA.
- The creation of a more active frontage to the development on Steeple Road.
- The provision of a Landscape and Visual Impact Assessment (LVIA) to confirm that the proposal would have an acceptable impact on the landscape.

2.1.8 Draft Heads of Terms have been submitted to support the proposal, and include obligations regarding affordable housing, a children's day nursery, education, health, a RAMS contribution, public open space, highway works and a travel plan.

2.1.9 The application is accompanied by a number of supporting documents:

- Planning Statement
- Design and Access Statement

- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Archaeology and Heritage Assessment
- Transport Assessment
- Phase 1 Desk Study Assessment of Ground Conditions
- Landscape and Visual Appraisal (Wynne-Williams Associates Ltd, September 2022)
- Tree Survey and Arboricultural Impact Assessment (Wynne-Williams Associates Ltd, September 2022)
- Biodiversity Metric (Impact Assessment)
- Ecology Impact Assessment
- Arboricultural Impact Assessment
- Air Quality Assessment
- Flood Risk Assessment
- Health Impact Assessment
- Lighting Impact Assessment
- Draft Heads of Terms – S106 Agreement,

2.1.10 In support of the proposal, the Planning Statement highlights the shortfall of affordable homes within the District. The proposal would provide for 64 affordable homes.

2.2 Conclusion

2.2.1 Having taken all material planning considerations into account, it is considered that although located outside any settlement boundary, and that the tilted balance, is no longer applicable due to the Council's Five Year Housing Land Position (5YHLS), there are several factors that weigh substantially in favour of the development.

2.2.2 In addition to economic benefits associated with temporary jobs during the construction if the development, the inclusion of an office hub and children's nursery would be beneficial in economic terms. In social terms the proposals would make a significant contribution to the supply of housing in the District, and although the Council can now demonstrate that it has 6.35 years Housing Land Supply (HLS), maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions and the District still has a shortfall of affordable housing. The proposal would provide 160 new homes of which 64 would be affordable and thus it would make a significant contribution to maintaining a 5YHLS and help to address the shortfall in affordable housing. It would also provide a significant amount of new public open space of recreational value to the existing community as well as future residents. In environmental terms, the development would have a degree of visual impact on the character and setting of the town, although this would be limited provided the principles set out in the masterplan and the terms of the S106 and requirements of the recommended conditions are followed.

2.2.3 Sufficient information has been provided to conclude that the development would not cause harm to the amenity of the occupiers of existing residents, highway safety or

nature conservation that could not be satisfactorily addressed at reserved matters stage. The development is satisfactory in terms of flood risk, drainage, contamination, ecology and archaeology subject to detailed matters relating to these and other remaining considerations which could be adequately addressed at reserved matters stage or through the imposition of conditions.

2.2.4 The applicant has agreed to enter into a S106 Agreement to secure obligations for the provision of affordable housing, the children's day nursery and office hub, education, health, public open space, highway works, two new bus stops, a Travel Plan and a RAMS contribution.

2.2.5 For the reasons summarised above the benefits of the proposed development are considered to outweigh the potential harm caused and it has therefore been found to be acceptable and is recommended for conditional approval accordingly.

3. MAIN RELEVANT POLICIES

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

3.1 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
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-173 Meeting the challenges of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189 – 208 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- S6 Burnham-on-Crouch Strategic Growth
- D1 Design Quality and the Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets

- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

3.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG)
- Maldon District Special Needs Housing SPD (2018)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Coast Recreation Disturbance Avoidance Mitigation Strategy (RAMS)

4. MAIN CONSIDERATIONS

4.1 Principle of Development

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and paragraph 47 of the National Planning Policy Framework (NPPF) require that planning decisions to be made in accordance with the Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).

4.1.2 Policy S1 of the LDP states that "*When considering development proposals the Council will take a positive Policy S1 of the LDP states that 'When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF"* and apply a number of key principles in policy and decision making set out in the Policy.

4.1.3 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic

character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties but does allow (m) development which complies with other policies of the LDP. Policy I2 states that suitable types of residential development which cater for the ageing population and support healthy and independent lives will be provided. Policy H3 also supports the provision of housing for 'specialist' needs.

4.1.4 As per paragraph 74 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District is expected to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old."* To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the LDP 2014-2029's plan monitoring period of 1 April to 31 March.

4.1.5 Work has recently been carried out by the Council in reviewing the suitability of the 5 Year Housing Land Supply methodology through its 5 Year Housing Land Supply Working Group established in August 2022. The work has now assessed the current 5YHLS figure as 6.35 years. At its Statutory Annual Council meeting on 18 May 2023 the Council subsequently confirmed that the official 5YHLS for the Maldon District now stands at 6.35 years, updating the previous official position for 2021 / 22 of 3.66 years that is quoted in published Area Planning Committee reports. This means that the Council presumption in favour of sustainable development position against Paragraph 11 (d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. The Council is therefore now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the local plan), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure.

4.1.6 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF Policy S1 allows for new development within the defined development boundaries. However, sites outside of the defined development boundaries could still be judged to be 'sustainable development' through the three dimension tests of the NPPF'. The LPA are, however 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. Paragraph 78 of the NPPF states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

4.1.7 Latchingdon is considered a 'smaller village' under the terms of Policy S8 which states inter alia that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only

be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a list of types of development that do not include housing. However, Latchingdon has a number of services and facilities including three shops, a primary school, a nursery, sports facilities, shoppers and commuter bus services, allocated employment land and is therefore considered a sustainable settlement.

4.1.8 Taking into account the observations made by the two Inspectors in allowing appeals for residential next to the site at Beech Drive (see Section 7 below – Relevant Planning History) and based on the information the site is considered to be a sustainable location for new housing. The Highways Authority has confirmed that there is adequate capacity on the local road network and that it would be possible to achieve satisfactory access arrangements for vehicles, pedestrians and potentially other road users to serve the development, subject to the various highway and transport infrastructure improvements to be secured by conditions and through a s106 agreement.

4.1.9 Although the site is located outside of the defined settlement boundary for Latchingdon, in light of the above and for the detailed reasons set out below the provision of housing on the site is considered to be acceptable in principle.

4.2 Housing Need

4.2.1 The NPPF is clear that housing should be provided to meet an identified need.

4.2.2 The Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

4.2.3 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3-bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Market Housing

Dwelling size	**LHNA requirement**	**Proposed**
1 bedroom	Up to 10%	7%
2 bedrooms	25-35%	15%
3 bedrooms	40-50%	43%
4+ bedrooms	15-25%	35%

4.2.4 The Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It will be important to ensure the District's housing stock provides for a wide range of housing needs and offers choice.

4.2.5 As part of the application an indicative housing mix has been provided that meets the LHNA requirements. It is a key component of the Planning system, including guidance contained within the NPPF, that the right type of housing is delivered for the community. Since the mix proposed is only indicative a condition is recommended to

ensure that the housing mix delivered through subsequent applications for approval of Reserved Matters meets the housing mix required through the LHNA.

4.3 Affordable Housing

4.3.1 Policy H1 requires that all housing development of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The site is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide 64 affordable dwellings on the site.

4.3.2 Annex 2 of the NPPF defines Affordable Housing as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)".

4.3.3 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day to day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.

4.3.4 The site falls within the Maldon South area where there is a requirement of 40% Affordable Housing. The Local Housing Needs Assessment 2021 (LHNA) identifies a tenure split of 75% Affordable/Social Rented and 25% Intermediate Housing. The Government is now proposing First Homes as an Intermediate Housing product and if this option of Intermediate tenure is pursued, the Council would agree to the Governments criteria set for this form of Affordable Housing.

4.3.5 The LHNA identifies a breakdown of sizes of Affordable units is as follows –

<u>Affordable Ownership</u>
1 bed - 15-25%
2 bed - 35-45%
3 bed - 25-35%
4 bed+ - 5-15%

<u>Affordable Rented</u>
1 bed - 30-40%
2 bed - 30-40%
3 bed - 20-30%
4 bed+ - Up to 10%"

4.3.6 The LHNA also stipulates that consideration should be given to requiring all dwellings to meet the M4(2) standards as a starting point and that the Affordable dwellings be developed to Nationally Designed Space Standards to meet the needs of single / couples and families on the Housing Register.

4.3.7 The Applicant has committed to delivering the required 40% Affordable Housing provision on site and will therefore be Policy compliant. The proposed Affordable dwellings – tenure, property size and location will be agreed at Reserve Matters stage. The Council's Strategic Housing Services therefore fully support the

Application as it will provide the required percentage of Affordable Housing and because the proposed new dwellings will greatly assist in meeting the Housing needs of the district.

4.3.8 The S106 Agreement will ensure that the above requirements are met and will also ensure that:

- 25% of the affordable home ownership products would be provided as First Homes to meet the requirements of the NPPF.
- As many of the dwellings as possible would meet M4(2) standards
- 10% of homes would meet Part M4(3)- wheelchair user dwellings, with a higher percentage being provided within the affordable housing units.
- The gross costs of the affordable units (rent/service charge) will be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.
- An Affordable Scheme detailing tenure, cost, allocation of units
- The Affordable units are required to meet Nationally Described Space Standards.

4.3.9 The Affordable Housing Officer supports the application subject to compliance with the terms set out above.

4.4 Scale of Development / Infrastructure capacity

4.4.1 As acknowledged in the relatively recent past by two Inspectors' in allowing separate appeals (see planning history above) for development next to the site, Latchingdon is considered to be a sustainable location for new development. The scale of the proposed development relative to the size of the existing settlement is clearly significant and it is evident that the local community have strong concerns regarding the capacity of the various attendant infrastructure serving the village. However the relevant consultee responses serve to confirm that, subject to the conditions recommended, existing facilities and services could meet the demands arising from the additional growth in population that the proposed housing would generate.

4.4.2 The conditions and obligations in the s106 require various improvements to the attendant infrastructure including for highways and transport, drainage, education and health in accordance with the consultees recommendations. Subject to these requirements the scale of development is considered to be acceptable for the following reasons.

4.4.3 <u>Education</u>

4.4.3.1 Essex County Education have advised that there is sufficient capacity within the existing early years and childcare provision and that therefore a financial contribution is not required.

4.4.3.2 In terms of Primary School provision, the development would generate the need for an additional 48 places. The developer has agreed to make the necessary financial contribution specified by Essex County Education to fund this (estimated total cost of £828,864 (January 2020 prices). for provision at Latchingdon Church of England Primary school.

4.4.3.3 The nearest secondary school is over 5km from the site and the priority admissions area secondary school for Latchingdon is Ormiston Rivers Academy which has recently increased their Admission Number to 210 pupils per year group. In addition, the school is grouped with William de Ferrers and the combined forecast for the area suggests that further capacity will be required, and that it is anticipated that William de Ferrers will also take additional pupils from September 2023. However, even with this expansion, forecasts set out in the 10 Year Plan suggest further action may be required to ensure a suitable number of unfilled places is retained. In accordance with Essex County Education's specified requirements the developer has agreed to make the necessary financial contribution (estimated total cost of £828,864 (January 2020 prices) for provision of the necessary additional 32 secondary school places. They have also agreed to a school transport contribution of £159,296 (January 2020 prices) to ensure satisfactory access for pupils to secondary schools.

4.4.3.4 With regards to other education facilities, in accordance with ECC Education's advice the developer has agreed to make a financial contribution of £12,448 (January 2020 prices) towards the improvement, enhancement and extension of additional facilities, additional furniture, provision of learning equipment / play equipment for younger children, improved access, external works such as parking and bike racks and IT.

4.4.4 Health

4.4.4.1 The National Health Service (NHS) have advised that the capacity of primary healthcare facilities in the area of the proposed development are already below the recognised standards of provision for the existing population and that additional population growth from the new development would add to the deficit and so would be unsustainable if unmitigated.

4.4.4.2 The NHS has provided the following table which serves as a useful summary of the existing position with healthcare services within 2km of the site:

GP surgeries within 3km	**Weighted List Size [1]**	**NIA (m²) [2]**	**Capacity [3] for current weighted list size**	**Spare Capacity (NIA m²) [4]**
Dengie Medical Partnership	6,270	443.00	429.94	13.06
Trinity Medical Practice	4,515	118.48	309.59	-191.11
Existing floorspace excess / deficit		Existing deficit of 178.05m^2		

4.4.4.3 The developer has agreed to make the necessary financial contributions to address this current shortfall in capacity of this attendant health service provision in accordance with the detailed assessment and recommendations provided by the NHS. The NHS have confirmed that the terms for this are appropriate having regard to the formulated needs arising from the development and that the basis and value of the following developer contributions is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

- Capital contribution of £79,300 required to create additional primary care floorspace for support the population arising from the proposed development.
- Capital contribution of £37,300 towards the cost of providing ambulance station estate to provide services for the additional 384 residents arising from the proposed development

4.4.4.4 This equates to a total capital contribution of £116,600 to increase capacity for the benefit of patients of the primary care network operating in the vicinity of the

application site and for ambulance service capacity to serve the population generated by the development.

Drainage - see section 5.9 below.

4.5 Layout including Public Open Space and Landscaping

4.5.1 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

4.5.2 Paragraph 126 of 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…."

4.5.3 Paragraph 134 states that:

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

4.5.4 LDP policy D1 takes this further in seeking to ensure that all development respects and enhances the character and local context and makes 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.

4.5.5 LDP 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. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

4.5.6 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the MDDG (2017).

4.5.7 The indicative framework plan shows a N-S arrangement with substantial new public open space and landscaping along the eastern outward facing edge of the proposed development. It is proposed to provide SuDS features, areas for children's play, recreation, a MUGA, footpaths, and a foul water pumping station within this green space.

4.5.8 The Proposed Illustrative Masterplan is considered to meet requirements for high quality layouts and relevant provisions of the MDDG (2017) including the following:

- There is a hierarchy to the proposed streets in terms of width and use of shared surfaces in accordance with MDDG (C03). The main site access road has been designed to connect Burnham Road and Steeple Road and the side streets link with the open space along the eastern edge and provision is made for buildings to create an active frontage onto these areas.
- The proposals strengthen and retain existing natural features of biodiversity value such as hedgerows, ditches and watercourses in accordance with MDDG (C02). The new landscape edge is proposed to be multi-functional and physically it would assist integration of the scheme into the wider landscape.
- MDDG (C06) states that open spaces should be high quality and have a primary role or function to prevent them becoming unused or neglected and that within the development, open spaces are appropriately defined and enclosed by buildings with windows on the ground floor from habitable rooms overlooking it where appropriate. MDDG (C17) also states that noisy external activities such as play areas should be located close to the properties they serve, but far enough away to avoid noise disturbance. The proposed open space areas offer good potential for biodiversity and wildlife habitat creation.
- MDDG (C19) requires green infrastructure and structural landscape to be used to create an integrated soft edge. With regards to this the eastern edge of the proposed development seeks to positively address the landscape. The provision of a nursery and office hub at the northern end of the site will help create an active frontage to the development on Steeple Road.
- The eastern edge of the proposed development is lower density consistent with advice in the MDDG (C13) that density should be appropriate to the location and respond to and/or enhance the character of the existing settlement and context and that lower densities may be more appropriate in edge of settlement sites.

4.6 Landscape and Visual Impact

4.6.1 The development would be visible due to the characteristics of the surrounding landscape but there are limited visual receptors with a limited number of private dwellings and the nearest Public Rights of Way are some distance away such that visual impacts do not constrain the site significantly. The substantial green buffer proposed on the eastern edge of the scheme would soften the visual impact of the development in wider views and the landscape and Visual appraisal provided with the application is considered to confirm this.

4.7 Access, Parking and Highway Safety

4.7.1 Essex County Council has been consulted and following consideration of a Road Safety Audit provided during the course of the application. They are supportive of the proposals subject to the recommended conditions which in summary require the developer to comply with the following requirements which can be addressed by means of the recommended conditions and obligations in the S106 Agreement:

- Minimum visibility splays with a 2m wide footway to the western side and a 3.5m shared use ped/cycleway entrance into the site from Steeple Road.
- A pair dropped kerb crossing points, with tactile paving, across Lawlinge Road.
- Extension of the 30mph speed limit to the north of the site entrance, with appropriate signing and lining as necessary, and gateway features.
- A zebra crossing across Steeple Road.
- Two new bus stops on Burnham Road, located to the east of the proposed vehicular access and provided with a suitable 2m footway, either along the site frontage or internally within the site.
- A contribution of up to £450,000 (four hundred and fifty-thousand pounds index linked), payable to Essex County Council, for improvements to bus services past the site to Maldon, Southminster and Burnham-on-Crouch.
- A residential Travel to be actively implemented for a minimum period from first occupation until 1 year after final occupation and accompanied by an annual monitoring fee of £1,596.
- A Residential Travel Information Pack for sustainable transport.

4.7.2 Subject to compliance with the above and the recommended conditions for car and cycle parking, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

4.8 Residential Amenity

4.8.1 LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling. LDP Policy D1 also 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). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety. The indicative layout is considered to be sufficient to demonstrate that there is sufficient space within the site for these requirements to be met with specific details to be determined at reserved matters stage.

4.9 Surface and Foul Water Drainage

4.9.1 The site is located in Flood Zone 1 and a SuDS are proposed to naturally manage the surface water run-off in the lowest part of the site based on the 1 in 100 year plus 40% climate change scenario.

4.9.2 Essex County Council's Drainage Team as the Lead Local Flood Authority have confirmed that the proposal is acceptable in drainage terms subject to the recommended conditions. The proposal therefore accords with LDP policy D5 and related relevant provisions of Section 14 of the NPPF.

4.9.3 The development is in the catchment of Latchingdon Water Recycling Centre which Anglian Water have confirmed does not have the capacity to treat the foul waterflows form the proposed development. Whilst local resident's concerns regarding this are understandable, Anglian Water are obligated to accept the foul flows from any development with the benefit of planning consent. Therefore, although there is currently insufficient foul drainage infrastructure in place to serve the development, this current lack of capacity does not preclude the development or constitute a tenable reason for refusal. This is however subject to the recommended condition requiring the submission and approval of a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network.

4.10 Ecology and Biodiversity

4.10.1 Policy N2 of the LDP states that "All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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." Conservation and enhancement of the natural environment is also a requirement of the NPPF. Conservation and enhancement of the natural environment is also a requirement of the NPPF.

4.10.2 With regards to these requirements , the proposed provision of generous areas of new planting, landscaping and public open space provide good potential for achieving biodiversity net gain. An Ecological Impact Assessment and assessment of potential impacts on Great Crested Newts have been provided.NE and Essex County Council Ecology have both confirmed that these demonstrate the proposals are acceptable in terms of their impact on ecology and that the proposals will result in a net gain in biodiversity subject to provision of the mitigation measures identified in these assessments, which can be secured by conditions as is recommended.

4.11 European Designated Sites

4.11.1 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. The Blackwater Estuary Ramsar/ Special Protection Area (SPA) is located 1.58km north-east of the site, the Crouch and Roach Estuaries Ramsar / SPA, Dengie Ramsar / SPA and Foulness Estuaries Ramsar / SPA are located 2.35km south, 13km east and 15.7km south-east respectively. This means that residential development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc. To accord with NE's requirements and standard advice a RAMS an Appropriate Assessment under the Habitat Regulations (2017) 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. The Essex Coastal RAMS document has been adopted. This document states that the flat rate for each new dwelling has been calculated at £156.76 and this will be secured through the S106 Agreement.

4.11.2 In addition, a range of on-site measures is proposed within the Scheme which are considered to adequately mitigate potential likely significant effects from recreational pressure on nearby European sites. These will be secured through a signed legal agreement to mitigate the impact of the development.

4.12 Developer Contributions

4.12.1 Along with other key principles, policy S1(11) requires decision makers to: “Identify the capacity and constraints of local infrastructure and services and seek to mitigate identified issues through developer contributions including S106 Agreement and / or Community Infrastructure Levy (CIL) and other funding sources”.

4.12.2 The applicant has agreed to Heads of Terms for the S106 including obligations regarding affordable housing, a children’s day nursery, education, health, a RAMS contribution, public open space, highway works and a travel plan (see Section 9 below).

4.13 Other Material Considerations

Heritage

4.13.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council to have special regard to the desirability of preserving the setting of listed buildings.

4.13.2 The site is not within a Conservation Area but does form part of the setting to several listed buildings. However, there are some designated Grade II listed buildings nearby, the closest being Christ Church 150 m west of the site, slightly further west two attached C17th / C18th century houses ‘Cottage’ and ‘Chestnuts’. Some 300m to the east is the Grade II listed C17th Thatch Cottage and ½ km to the south west is C16th Snoreham Hall Farmhouse. Although not listed, a non-designated heritage asset in the form of a WW2 concrete and brick pillbox appears on the local Historic Environment Record and is located adjacent to Steeple Road in the north of the site. This is proposed to be retained with an area of new public open space adjacent to it.

4.13.3 The Heritage Statement provided in support of the application concludes, inter alia, that the proposed development would not be perceptible from the church and that a retained view through to the church from within the site is not required as heritage mitigation, but could have landscape and community benefits. It also concludes that all other designated heritage assets lie at a greater distance from the site and are also surrounded by later development or vegetation such that proposed change within the site would not harm their significance or an appreciation of that significance. The Conservation Officer has confirmed his agreement with this assessment and therefor it is considered that the proposal accords with relevant requirements of LDP policy D3 and Section 16 of the NPPF subject to the condition recommended for an interpretation board on the Pill box.

Archaeology

4.13.4 The Heritage Statement provided in support of the proposal concludes that the site has low archaeological potential. However the County archaeologist has advised that archaeological deposits development on site should be preceded by a programme of archaeological investigation which as is recommended can be secured by an appropriate condition.

Ground conditions

4.13.5 The application is supported by a Phase 1 Desk Study and Ground Investigation Report (July 2022). This recommends a Phase II ground investigation to determine more accurately the effect of the identified hazards on the proposed development. In

accordance with the Environmental Health Officer's advice this can be dealt with by conditions.

Air Quality

4.13.6 The application is supported by an Air Quality Assessment (November 2022) which concludes that dust and exhaust emissions from plant and vehicles during the construction stage have the potential to generate complaints without control measures. In accordance with the Environmental Health Officer's advice this can be addressed by means of a Construction Management Plan required by condition.

Lighting

4.13.7 The application is supported by a Lighting Impact Assessment (November 2022). As this is an outline application details including lighting scheme will need to be considered at Reserved Matters stage. However, in accordance with the Environmental Health Officer's advice a condition is recommended requiring a lighting scheme so as to ensure that acceptable details for external illumination including the luminance and spread of light are provided.

Noise

4.13.8 The application is supported by a Noise Assessment (November 2022). Although the layout will be determined at reserved matters stage the proposals include provision of a single storey nursery with associated parking and play space and 100m^2 of office hub space on the northern part of the site close to Steeple Road. The Environmental Health Officer has advised that external noise level are likely to comply with the upper design target of 55db. However to ensure this is the case conditions are required, including for additional noise reports and mitigation as may be necessary and to meet BS4142:2014 of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

Trees

4.13.9 The site contains relatively few trees and these are located on its boundaries. The application is supported by an arboricultural assessment, method Statement and Tree Protection Plan. The Council's Tree Consultant has confirmed that most of the trees can be retained and protected and that those to be removed are low quality and can be compensated for with new planting. In accordance with their advice a condition is recommended requiring detailed proposals to take into account the tree constraints. A condition is also recommended for details and specifications of hard and soft landscaping.

5. PLANNING BALANCE

5.1 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. The LPA 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.

5.2 The key priority within the NPPF, 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.

5.3 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, against the harm identified (if any) arising from the proposed development.

5.4 The main benefits of the proposal are considered to be as follows:

- Social benefits from providing market homes in a variety of sizes and types;
- Social benefits of providing affordable homes in a variety of sizes and types.
- Social and economic benefits by encouraging churn of existing housing in the District;
- Economic benefits flowing from the construction phase of the development, where the opportunity exists for sourcing local labour and materials;
- Social and economic benefits of additional custom for services and facilities in Latchingdon;
- Economic benefits through creating new jobs opportunities in the District;
- Environmental benefits of the development as a result of the enhancement and provision of landscape and ecological features.

5.5 With regard to the three tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and that the additional units may support local businesses in Latchingdon. Although, there is no guarantee that the construction would be undertaken by local businesses, or use locally sourced materials the inclusion of an office hub and children's nursery would be beneficial in economic terms.

5.6 In social terms although the Council can now demonstrate that it has a 5 year housing supply, this can only be maintained by approval of new permissions on suitable sites and the District still has a shortfall of affordable housing. The proposal would provide 160 new homes of which 64 would be affordable on a site that is suitable for residential development as evinced by the conditional support from all the statutory consultees. It would also provide a substantial amount of new public open space of potentially significant recreational value to the existing community.

5.7 In environmental terms, the harm would be to the character and appearance of the area. However, this would be limited (subject to relevant details being approved at reserved matters stage, the imposition of conditions and/or relevant obligations being secured through the S106 Agreement) and relatively localised. This harm is not considered to significantly outweigh the benefits of granting planning permission. It is therefore recommended that planning permission should be granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

5.8 For the above reasons, although outside of the defined development boundary for Latchingdon the proposal is still be judged to be 'sustainable development' through the three dimension tests of the NPPF and is recommended for conditional approval accordingly.

6. ANY RELEVANT SITE HISTORY

6.1 There is no planning history for the site itself. However, the history for the recently completed 44 dwelling development at Beech Drive allowed on appeal in 2015 (PINS REF: APP/X1545/W/15/3027426) and subsequent reserved matters consent issued

in 2017 under application reference (17/00225/RES) is relevant, as is the history for the development which gains access to its west for 10 dwellings granted in 2014 (PINS REF:APP/X1545/A/14/2214527).

6.2 Although now several years old and pre-dating the current Local Plan and NPPF, the comments copied below made by the Inspectors for these two appeals indicate that Latchingdon is a sustainable settlement and in general terms the approximate location of the site is relatively accessible to its facilities.

6.3 Appeal Decision APP/X1545/W/15/3027426

Paragraph 9:
The proposal would be visible when approaching the village from the east along the B1018. Approaching from the north and west within the village it would come into view beyond the existing frontage dwellings on Burnham Road. I appreciate that this piece of land is on the edge of the settlement. However it would be seen against the backdrop of existing development on Heritage Way and Burnham Road. Overall the addition of dwellings in this location would not fundamentally alter the appreciation of Latchingdon as a settlement within the wider rural landscape.

Paragraph 12:
Overall, in practical terms, in order to access a substantial range of facilities to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwellings are likely to be reliant upon the private car for a large proportion of trips. However, Maldon is a rural district and in the context of the district as a whole Latchingdon does have some facilities. Further although it would be outside the defined settlement boundary the proposed development would be adjacent to the existing built up area of the village. As such it would be close to other housing and would not be an isolated development in the countryside. The site is as accessible to services as other dwellings in the settlement boundary. Therefore, whilst the location of the site is not a significant benefit in transport terms it is not wholly without advantages.

6.4 Appeal Decision APP/X1545/A/14/2214527

Paragraph 11:
Although outside the defined development boundary, the proposed development would adjoin the existing built up area of the village and would be close to other housing. It would not result therefore in an isolated development in the countryside. The proposed dwellings would also be within easy reach of village services, which include local shops, a school, public house, restaurant, sports fields and indoor recreational facilities. Bus services link the village to larger settlements in the area. Accordingly, the proposal would be consistent with the Framework principle that rural housing should be located where it will maintain or enhance the vitality of rural communities.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Councill	Object: The site is in a rural location outside defined settlement boundary of Latchingdon ,is defined in the LDP as a smaller village providing few services and facilities and limited employment opportunities. If developed, the site, by reason of its location, will not provide the quality and have limited access to sustainable and public transportation, services, facilities and employment resulting in an increased need of private vehicle ownership. The village and its limited services and facilities would be unable to sustain the quantum of development proposed. The development would therefore result in significant and demonstrable harm that cannot be outweighed by the benefits contrary to policies S1, S2, S7,S8, D1, T1, T2, H4 ,I1 and I2 of the LDP and the NPPF. The proposal, by reason of its quantum of development proposed, layout, density, grain, scale, design and relationship with the wider area, would harm the character and appearance of the area. The identified harm to the countryside and wider area would be significantly and demonstrably greater than the benefits arising from the proposed development. As such, the development would be unacceptable and contrary to LDP policies S1, S8, D1 and H4 and Section 12 of NPPF. The impact upon both Primary and Secondary School places within the District is not sufficient to either support additional growth or meet the requirement of NPPF Paragraph 95 and hence will be detrimental to Policy S2 and should be refused. The scale and location of the development is likely to reduce the options available to members and	See the following sections of this report above : 5.1(principle of development) 5.4 (Scale of Development / Infrastructure capacity) 5.5 (Layout including Public Open Space and Landscaping)

Name of Parish / Town Council	Comment	Officer Response
	hence should be refused for 'Prematurity' Insufficient GP provision or infrastructure and Primary Healthcare The current 5YHLS is clearly out of date and an assessment by Latchingdon Parish Council clearly suggests that 'Tilt' should not be applied on this basis. Therefore would object to the application being determined in the absence of a new 5YHLS Statement less than 5 years that has not been approved by Full Council.	
Althorne Parish Council	Refuse: 97 comments have been filed in relation to this application (including one referencing a petition against with 420 signatures). Most, if not all, are in opposition. Dismissed appeal Ref: APP/X1545/W/22/3304049 - planning application 21/00825 for a residential development in Tolleshunt Knights is relevant to this application. The HELAA does not allocate land for housing or economic development, it does not determine whether land should be allocated or given planning permission for development. The site's narrow linear configuration offers only questionable ribbon development. There is a lack of capacity in virtually every element of service provision in the Dengie, including highways, health and education.	See the following sections of this report above : 5.1(principle of development) 5.4 (Scale of Development / Infrastructure capacity)

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	The geophysical survey identified agricultural features, comprising field boundaries and drainage. There is always the possibility of further archaeological remains to be present that are not easily identified by geophysical survey, such as post-built buildings and burials. Given the proposed scale of this development and the fact that archaeological deposits are both fragile and irreplaceable and any permitted development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent.	See paragraph 5.13.4 above and recommended condition 8 below.
Highways Authority	The Highway Authority has visited the site and assessed the submitted information supplied by the applicant and has concluded that in highway terms it is not contrary to national and local highway and transportation policy and current safety criteria. The Transport Assessment (TA) has analysed the impact of the traffic generation, to the satisfaction of the Highway Authority, and is not considered to have a significant or severe impact at this location, or on the wider highway network. Furthermore, the applicant has provided further information to support the application in terms of improving accessibility to other modes of sustainable travel, with pedestrian crossings, cycle access, bus stop improvements etc. and a Residential Travel Plan, all of which will help facilitate accessibility from the site. Consequently, the Highway Authority has concluded that the proposal will not be detrimental to	See section 5.7 (Access, Parking and Highway Safety) and Section 9 (Heads of Terms) and recommended conditions 33- 39 below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	highway safety, capacity, or efficiency. From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions for: A Construction Management Plan, off site highway works to site accesses, a zebra crossing on Steeple Rd, two new bus stops on Burnham Road, an off-site contribution of £450,000 towards improvements to bus services past the site to Maldon, Southminster and Burnham, a travel plan and a travel information pack.	
Natural England	The development site and surrounding land is not considered to be functionally linked to the Blackwater Estuary Ramsar/SPA/SAC/SSSI and Crouch & Roach Estuaries Ramsar/SPA/SAC/SSSI. On this basis agree that the proposed development is unlikely to have a significant effect on the SPAs in-combination with other proposals. Subject to Place Services Ecology being satisfied with the approach to potential recreational impacts associated with the development, Natural England has no further concerns regarding the adoption of the shadow HRA.	See sections 5.11(European Designated Sites) and 5.12(Developer Contributions) above and recommended conditions 9 - 13 below.
Essex County Council Ecology	The site falls within the evidenced recreational Zone of Influence (ZOI) of Blackwater Estuary Ramsar and SPA. Therefore, given the residential element of this development is relevant to the Essex Coast RAMS, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.	See section 5.10 above and recommended conditions 9 – 13 below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	We are satisfied that there is sufficient ecological information available for determination of this application. Recommend that a copy of the Great Crested Newt District Level Licence should be submitted as a condition of any consent. The mitigation measures identified in the Ecological Impact Assessment should be secured by a condition. This is necessary to conserve and enhance protected and Priority species particularly bats, Badger, reptiles, and nesting birds. Support the proposed reasonable biodiversity enhancements of bat boxes, bird boxes, log piles, hedgehog friendly fencing, woodland planting, wildflower meadow creation, hedgerow planting, which have been recommended by the Ecological Impact Assessment and the Biodiversity Metric 3.0 Calculation Tool. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. Furthermore, to ensure that the proposed biodiversity enhancements managed for the long-term benefit of biodiversity, a Landscape and Ecological Management Plan (LEMP) should be produced and secured by condition. In addition, as it is likely bats could be foraging/commuting within and around the site, if any external lighting is to be proposed, a sensitive lighting scheme should be developed This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.	
Essex County Council Education	Request section 106 agreement to mitigate impact on Primary & Secondary places, libraries & School Transport. If minded to refuse the lack of surplus Primary and secondary places, libraries and Secondary Transport in the area to accommodate the proposed new homes should form	See sections 5.4.3 (Education) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	an additional reason for refusal.	
National Health Service	The development will give rise to a need for additional healthcare provision to mitigate impacts arising from the development. A contribution of £116,600 is required through S106 legal agreement to increase capacity for the benefit of patients of the primary care network. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services operating in the vicinity of the application site and for ambulance service capacity to serve the population generated by the development.	See sections 5.4.4 (Education) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.
Essex County Council Sustainable Drainage Team	Do not object subject to conditions and informatives to require: a detailed surface water drainage scheme, scheme to minimise risk of off-site flooding, and maintenance arrangements for surface water drainage system.	See section 5.9 (Surface and Foul Water Drainage) above and recommended conditions 14 - 19 below.
Anglian Water Services	The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Dwellings located within 15 metres of the pumping station would place them at risk of nuisance. The site layout should take this into account and ensure that no development within 15m of a sewage pumping station if potentially sensitive to noise or other disturbance. Request condition for foul drainage scheme.	See section 5.9 (Surface and Foul Water Drainage) and recommended condition 19 below.
Essex Wildlife Trust	No objection to this application	Noted
Cadent Gas	No objection in principle. There are intermediate and low pressure gas mains and an above ground installation in the area (as shown on map provided). If the application affects a High-Pressure pipeline, it is a statutory requirement to input the details into the HSE's Planning Advice Web App.	The gas infrastructure referred to is well outside the site boundary.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Housing Officer	The Applicant has advised that the scheme will deliver the required 40% Affordable Housing provision and will therefore be Policy compliant (Policy H1). The proposed Affordable dwellings – tenure, property size and location will be agreed at Reserve Matters stage. The Applicant has stated that bungalows will be provided to meet the housing needs of older people. Strategic Housing Services fully supports this Application which is providing the required percentage of Affordable Housing as per Policy H1 of the Local Development Plan/Local Housing Needs Assessment 2021 and these properties will greatly assist in meeting the Housing needs of the district.	See sections 5.3 (Affordable Housing) and 5.12 (Developer Contributions) above and Section 9 (Heads of Terms) below.
Environmental Health Officer	A Phase II ground investigation has been recommended to determine more accurately the effect of the identified hazards on the proposed development. Therefore contaminated land conditions must be included in any planning approval. Dust and exhaust emissions from plant and vehicles during the construction stage have the potential to generate complaints without control measures. A condition requiring the submission of a Construction Management Plan to include dust management measures will be required. As the site layout forms part of the reserved matters, the final lighting scheme is yet to be decided. Whilst the final layout will form part of the reserved matters, the illustrative masterplan and supporting information indicate that land to the north of the site is to be reserved for a single storey nursery with associated parking and play space and 100m2 of office hub space. Siting the buildings as far away as possible from the dwelling houses and orienting them in such a way to	See paragraph 5.13.5 (Ground Conditions) and 5.13.6 (Air Quality) and recommended conditions 21 – 26 below.

Name of Internal Consultee	Comment	Officer Response
	screen outdoor play areas and car parks will minimise the risk of negative impact on residents. Further details will need to be provided and can be conditioned. Plant and equipment will also need to be considered separately. Based on predicted noise levels any residential development near the northern and southern boundaries is likely to exceed to exceed the guideline values in Table 4 of BS 8233 and suitable ventilation will be necessary. It is concluded that external noise level are likely to comply with the upper design target of 55db. Careful consideration of layout at the reserved matters stage should ensure that guidelines are met. Note that Anglian Water have advised that Latchingdon Water Recycling Centre does not have capacity to treat the flows from the development site and have requested a condition requiring an on-site drainage strategy. In light of the above, no objections subject to the inclusion of conditions for: a construction management plan; site investigation and remediation; unexpected contamination; acoustic assessment; connection to of foul drainage to mains; external plant as part of office hub and nursery; assessment of noise; office hub for office purposes only and restriction on hours of use; details of refuse storage; details of external illumination; and restriction on delivery times.	
Conservation Officer	No Objections to the proposal on heritage grounds, recommend a condition for details of the position, design, and content of the proposed interpretation board, relating to the pillbox and its historical context.	See paragraphs 5.13.1 5.13.- 3 (Heritage) and recommended condition 32 below.

Name of Internal Consultee	Comment	Officer Response
Arboricultural Consultant	Most of the trees, especially the better quality ones can be retained and protected. Those that need to be removed are low quality and can be compensated for with new planting. Suggest detailed design take into account tree constraints and avoids conflict with them as this outline application appears. A robust soft landscaping plan with new tree planting should be considered for any detailed design.	See paragraph 5.13.9 (Trees) recommended condition 3 below.
Strategy Team	No comments received	
Waste Management	No comments received	
Essex County Fire and Rescue	No comments received	
UK Power Networks	No comments received	

7.4 Representations received from Interested Parties

7.4.1 50 letters objecting to the application have been received. The reasons for objection are summarised in the table below:

Objecting Comments	Officer Response
<u>Visual Impact</u> • Site forms part of the countryside setting of the village • Harmful visual impact on local character and landscape including light pollution • Not in keeping with the village	See the following sections of this report above : 5.1(Principle of development) 5.5 (Layout including Public Open Space and Landscaping)
<u>Over Development</u> • Over-development would create urban spawl • Cumulative impacts with other development that have already collectively resulted in 170 houses and 50% population increase of village in 5 years from 1241 (2011 census) to 1800 now.	See section 5.4 (Scale of Development / Infrastructure capacity)
<u>Increased traffic on unsuitable roads</u> • Increase in traffic congestion and impacts on highway safety, particularly the Lower Burnham Road and Burnham Road, B1018 is very narrow, unlit and dangerous. • Latchingdon is the thoroughfare to the Dengie so any minor hold up causes extensive tailbacks	See section 5.7 (Access, Parking and Highway Safety) and Section 9 (Heads of Terms) and recommended conditions 32- 38 below.

• Many Roads have parts without pavements meaning pedestrians have to walk in the road • No cycle paths or routes in the village • Existing streets in Latchingdon are already in poor condition and would be made worse	
<u>Latchingdon is not a sustainable location for new housing</u> • Public transport services are too limited • Future residents would be car dependent because site is disconnected from everyday services only be accessible by unsustainable car journeys	See section 5.1 (Principle of Development)
<u>Harm to Wildlife and Ecology</u> • Adverse impact on ecology - biodiversity calculations are inaccurate • Loss of agricultural land	See section 5.10 above and recommended conditions 9 - 13 below.
<u>Inadequate Infrastructure</u> • The village no medical or dental facilities and GP services at Burnham, Mayland and Southminster are over-stretched • Existing infrastructure (drainage and other services) already failing and will not be able to cope • Proposed new pumping station will result in effluent smells • Limited existing recreational facilities	See section 5.4 (Scale of Development / Infrastructure capacity)
<u>Schools at Capacity</u> • Not enough capacity at village primary school • No Secondary School and not enough secondary school places on the Dengie	See sections 5.4.3 (Education) and 5.14 (Developer Contributions) above and Section 9 (Heads of Terms) below.
<u>Increased Flooding and Inadequate Drainage</u> • Increased risk of homes flooding, site is a clay based • Within eight years Steeple Road will be subject to periodic flooding with no plan to remediate	See section 5.9 (Surface and Foul Water Drainage) above and recommended conditions 14 - 19 below.
<u>Impact on residential amenities</u> • Increase in noise pollution and disturbance. • Increase in air pollution • Loss of privacy and daylight • Increase in anti-social behaviour and crime.	See section 5.8 (Residential Amenity) above.

• Development is well outside of the defined local development boundary • No market for proposed houses / not needed • There is no need for the housing since the Council can demonstrate a 5 year housing supply • Proposal not arrived at through a plan-led strategy • The HELAA should not be given any weight. • No provision for tacking climate emergency such ground or air source heating systems, solar panels, rainwater storage or recycling systems.	See section 6 (Planning Balance) above.

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

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

General Obligations

- Provide and retain in perpetuity private community open spaces and strategic landscaping in accordance with agreed phasing and details.
- Create / nominate a Management Company with responsibility for future management and maintenance of all private open spaces, non-adopted footways, related lighting, street furniture, signage etc and all private landscaping.
- Identify the extent of, provide, and landscape the public open spaces to an agreed specification: to include picnic benches, seating, dog waste and litter bins, information boards, and children's play spaces, before occupation of the 130th dwelling or in accordance with an agreed phasing plan.
- Offer the public open space and children's play space/s to the District Council for adoption.
- In the event that the LPA does not intend to adopt the public open space, to transfer it to the Management Company, maintain it to a specification to be agreed, and retain it for use as public open space in perpetuity.

Affordable Housing Obligations

- The total number of affordable housing units shall be not less than 40% of the total number of dwellings approved by the Planning Permission.
- Affordable housing to be provided pursuant to an Affordable Housing Scheme to control the type, tenure, location and design standards.
- Affordable housing tenure split shall be 75% affordable rent / 25% intermediate housing or as close as possible thereto unless otherwise agreed in an AHS.
- All affordable housing to be constructed and transferred to Registered Provider/s prior to occupation of the 80th market dwelling.

Health Care Contributions

- To make developer contributions in the circumstances set out in the NHS consultation response.

Highways Obligations

- To agree and implement a scheme of works to footpath and public transport infrastructure within the vicinity of the site.
- To pay the agreed developer contribution for off-site highways improvements.
- To submit, agree and implement a Travel Plan at Reserved Matters stage.
- Submit, agree and implement a Residential Travel Plan.

Ecology

- To provide a developer contribution in accordance with the Council's adopted RAMS scheme.

Education

- Provide developer contributions for education, including for secondary school transport, in the circumstances set out in the Essex County Council Education Department consultation response.
- Provision of Children's Day Nursery.

Employment

- Provision of 100sqm Office Hub/

PROPOSED CONDITIONS

Reserved Matters

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
   REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

Timing

2. As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained in perpetuity as such thereafter.
   REASON: To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

Landscaping

3. The landscaping details referred to in Condition1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted

to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be retained and maintained at all times thereafter, unless otherwise agreed with 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 hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure that protected species are not harmed during the course of development and that the details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Car Parking

4. The scheme to be submitted pursuant to the reserved matters shall make provision for car parking for the residential element within the site in accordance with the Council's adopted parking standards at the time of submission. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
REASON: To ensure appropriate parking is provided in accordance with Polices T1 and T2 of the Maldon District Development Local Plan and the Council's adopted Vehicle Parking Standards (2018).

Cycle Parking

5. A scheme in accordance with Maldon District Council's adopted standards for cycle parking shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking, as approved, shall be provided prior to the beneficial occupation of the development hereby approved. The approved facilities shall be used for no other purposes and retained in perpetuity.
REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.

Building heights

6. The height of the buildings submitted as part of the Reserved Matters shall not be in excess of 9m.
REASON: To ensure that the development is as applied for and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

Dwelling Mix

7. The dwelling mix for the development hereby approved shall accord with the housing mix requirement set out within the Maldon District Local Housing Needs Assessment 2021.
REASON: In order to ensure that an appropriate housing mix is provided for the proposed development taking in to account the objective of creating sustainable, mixed community in accordance with Policy H2 of the Maldon District Development Local Plan and the guidance contained in the NPPF.

Archaeology

8. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
REASON: To safeguard any archaeological remains found present on the site in accordance with Policy D3 of the Maldon District Local Development Plan 2014 – 2029.

Biodiversity

9. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (RamSanderson, July 2022) should as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

10. Any works which will impact the breeding / resting place of Great Crested Newts, shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

    a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

    b) evidence of site registration supplied by an individual registered to use a Great Crested Newt Low Impact Class Licence; or

    c) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

d) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species).

11. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

a) Purpose and conservation objectives for the proposed enhancement measures;

b) detailed designs or product descriptions to achieve stated objectives;

c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;

d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) persons responsible for implementing the enhancement measures;

f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species and habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats and species).

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior occupation of the development.

The content of the LEMP shall include the following:

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organisation responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning

biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
REASON: To enhance protected and Priority species & habitats in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

13. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.
REASON: To minimise light pollution in accordance with Policy N2 and to allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

<u>Drainage</u>

14. No works except demolition shall takes 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:

a) Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.

b) Limiting discharge rates to 16.9l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party/ All relevant permissions to discharge from the site into any outfall should be demonstrated.

c) Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

d) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

e) Final modelling and calculations for all areas of the drainage system.

f) 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.

g) Detailed engineering drawings of each component of the drainage scheme.

h) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

i) A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.
REASON: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, ensure effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment in accordance with policy D2 of the Maldon District Local Development Plan 2014 - 2029.

15. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.
REASON: To ensure the development does not increase flood risk elsewhere and does not contribute to water pollution in accordance with paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

16. Prior to occupation 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.
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 paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

17. 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 paragraphs 163 and 170 of the National Planning Policy Framework and policy D2 of the Maldon District Local Development Plan 2014 - 2029.

18. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network, shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To prevent environmental and amenity problems arising from flooding and in accordance with policy D2 of the Maldon District Local Development Plan 2014 - 2029 .

19. Prior to the first occupation of any dwelling or building on the site the foul drainage for the development must be connected to mains drainage.
REASON: To ensure satisfactory drainage of the site minimise flood and pollution risk in accordance with Policies D2 and D5 of the Maldon District Approved Local Development Plan 2014 - 2029

Construction Management Plan

20. Prior to the commencement of the development the applicant shall submit in writing a Construction Management Plan to the Local Planning Authority for approval.

The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for the following all clear of the highway:

1. Safe access into the site
2. The parking of vehicles of site operatives and visitors
3. Loading and unloading of plant and materials
4. Storage of plant and materials used in constructing the development
5. Wheel and underbody washing facilities.

The construction management plan must also consider the following requirements: The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

6. no waste materials should be burnt on the site, instead being removed by licensed waste contractors;

g) no dust emissions should leave the boundary of the site;

h) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

i) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council. REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure that on-street parking of construction vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to comply with Policy D2 of the Maldon District Local Development Plan 2014 - 2029.

Contamination

21. No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the Local Planning Authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

    (i) a survey of extent, scale and nature of contamination;

    (ii) an assessment of the potential risks to:

        a) Human health,

        b) Property (existing or proposed) including buildings, crops, livestock, pets,woodland and service lines and pipes,

        c) Adjoining land, Groundwaters and surface waters,

        d) Ecological systems

        e) Archaeological sites and ancient monuments;

    (iii) an appraisal of remedial options, and proposal of the preferred option(s).

    This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.
    REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

22. Where identified as necessary in accordance with the requirements of condition 20. no development shall take place, other than that required to enable or carry out remediation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved by the local planning authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval.

    Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

The remediation works shall be carried out prior to commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.

Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority within 28 days. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Policy D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

23. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
REASON: To ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy D2 of the Maldon District Local Development Plan 2014 - 2029.

Noise

24. Prior to the agreement of reserved matters relating to design and layout of residential dwellings, an acoustic assessment shall be submitted that details the noise exposure at the facade of residential dwellings and associated amenity spaces. The design and layout shall avoid, as far as practicable, noise levels above the guideline values in Table 4 of BS8233:2014 Guidance on sound insulation and noise reduction for buildings, in habitable rooms and 55dB LAeq,16 hours for external amenity spaces. Details of mitigation including but not limited to enhanced glazing and alternative ventilation strategies shall be submitted where assessment indicates that the guideline levels cannot be met.
REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Development Plan 2014 - 2029.

25. Where any external plant is proposed as part of the office hub or nursery, it shall not have combined emissions of noise that exceed a rated level (determined in accordance with BS4142:2014 methodology) of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling. Where mitigation is required to meet the noise criteria above, it must be installed prior to first occupancy of the dwelling and the applicant must also provide the Planning Authority with a validation report from a competent person that confirms that the noise impact arising from the plant. Where it does not demonstrate this, additional mitigation measures shall be proposed, agreed with the Planning Authority and implemented prior to first occupancy. Any mitigation installed must be retained and maintained thereafter.

    All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.
    REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029.

26. Prior to the agreement of reserved matters relating to design and layout, an assessment of the noise generated by operation of the proposed nursery and its impact on the occupiers of residential dwellings shall be submitted and approved by the Local Planning Authority.

    All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.
    REASON: To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029.

<u>Office Hub</u>

27. The office hub shall only be used for office purposes as defined within Class E(g)(i) of the Schedule to the Town & Country Planning Use Classes (Amendment) (England) Regulations 2020 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose. The uses hereby permitted in the office hub shall only be undertaken between 07:00 hours and 19:00 hours Monday to Friday and not at any time on Saturdays, Sundays and Public Holidays.
    REASON: In order to ensure the appropriate use of the site in accordance with policy E7 of the Maldon District Local Plan 2014 – 2029.

<u>Waste Management</u>

28. A Waste Management Plan shall be submitted to as part of the reserved matters application(s). The Plan shall include details of refuse storage and the development shall be carried out in accordance with the agreed Waste Management Plan.
    REASON: To ensure adequate refuse facilities are available in accordance with policy D2 of the Maldon District Local Plan 2014 – 2029.

<u>External Lighting</u>

29. Before the development hereby permitted commences, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be

no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON: To avoid adverse impacts on health and quality of life from light and in accordance with Policy D1 of the Maldon District Local Development Plan 2014 – 2029.

Deliveries

30. Deliveries to and collections from the site shall only be undertaken between 09:00 hours and 18:00 hours on weekdays.
REASON: To avoid adverse impacts on health and quality of life in accordance with Policy D1 of the Maldon District Local Development Plan 2014 – 2029.

Trees

31. A detailed arboricultural report taking into account Ramm Sanderson's Arboricultural Impact Assessment, Method Statement and Tree Protection Plan referenced RSE_5821_R1_V3_ARB shall be submitted as part of the Reserved Matters application. The detailed arboricultural report shall include an explanation as to how the layout of the development has been designed to limit the impact on the existing vegetation features found on site.
REASON: To ensure that appropriate tree protection and retention the interests of ecology and the character and appearance of the area in accordance with Policies S1, D2 and N2 of the Maldon District Local Development Plan 2014.

Broadband

32. A strategy to facilitate superfast broadband for future occupants of the residential buildings shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall seek to ensure that upon occupation of a dwelling 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 and retained in perpetuity.
REASON: In order to ensure that suitable infrastructure is provided at the site for the benefit of future occupiers, in accordance with policy I1 of the Maldon District Local Development Plan and the NPPF and PPG.

Conservation

33. Prior first occupation of any building on the site details of the position, design, and content of the proposed interpretation board, relating to the pillbox and its historical context shall be provided and approved in writing by the Local Planning Authority. The interpretation board shall thereafter be retained and maintained in accordance with the approved details.
REASON: To enhance tan existing heritage asset in accordance with Policy D3 of the Maldon District Local Development Plan 2014 – 2029.

Highways

34. Prior to the first occupation of the northern parcel of development the access arrangements and off-site highway works, as shown in principle on DTA drawing no. 24012-02-2, shall be fully implemented and retained as such for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 97m clear to ground level to the west;
- Provision of minimum visibility splays of 2.4m x 53m clear to ground level to the east;
- Provision of appropriate forward visibility splay clear to ground level;
- A bellmouth access with a 2m wide footway to the western side;
- Provision for a 3.5m shared use ped/cycleway entrance into the site from Steeple Road;
- Provision of a pair dropped kerb crossing points, with tactile paving, across Lawlinge Road.

Extend the 30mph speed limit to the north of the site entrance, with appropriate signing and lining as necessary, and gateway features.
REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.

35. Prior to the first occupation of the development the developer shall implement a zebra crossing across Steeple Road, as shown in principle on DTA drawing no.24012-02, to include all associated works, such as: resurfacing, lighting, tactile paving and signing and lining etc. (Please be aware that this will require a commuted sum to cover the cost of future maintenance for a minimum period of 15 years following construction, secured through the Highway Agreement).
REASON: In the interests of reducing the need to travel to the site by car and promoting sustainable development and transport for the development and the locality.

36. Prior to the first occupation of the southern parcel of the development the access arrangements and off-site highway works, as shown in principle on DTA drawing no. 24012-02-3, shall be fully implemented, and retained as such for the life of the development. All details to be agreed with the Highway Authority, and to include, but not limited to the following:

- Provision of minimum visibility splays of 2.4m x 51m clear to ground level to the west
- Provision of minimum visibility splays of 2.4m x 143m clear to ground level to the east
- A bellmouth access with a 2m wide footway to the western side
- Provision for a 2m wide footway from the site to the junction with Beech Drive, with associated carriageway re-aligning as necessary
- Extend the 30mph speed limit to the east of the site entrance, with appropriate signing and lining as necessary, and gateway features.

REASON: To ensure that safe and appropriate access is provided and promoting sustainable and accessible development and transport.

37. Prior to the first occupation of the southern parcel of the development the applicant shall submit a scheme for approval, in writing by the Local Planning Authority, for the provision of two new bus stops on Burnham

Road, located to the east of the proposed vehicular access and provided with a suitable 2m footway, either along the site frontage or internally within the site. To include the following to ECC specification:

a) Provision of raised kerbs, pole and flag with timetable on the northern side of Burnham Road, for eastbound buses, with appropriate hardstanding as necessary

b) Provision of shelter, raised kerbs, pole and flag with timetable on the southern side of Burnham Road, for westbound buses, with appropriate footway and hardstanding as necessary.

c) Provision of a pair of dropped kerb crossing points, with tactile paving, across Burnham Road.

The approved scheme shall be fully implemented prior to the first occupation of the southern parcel.
REASON: In the interests of reducing the need to travel to the site by car and promoting sustainable development and transport for the development and the locality.

38. Provision of a contribution of up to £450,000 (four hundred and fifty-thousand pounds index linked), payable to Essex County Council, for improvements to bus services past the site to Maldon, Southminster and Burnham-on-Crouch.
REASON: To ensure deliverability of the wider sustainability needs within and around Burnham, by reducing the need to travel by car and promoting sustainable development and transport.

39. Prior to the first occupation of the proposed development, the Developer shall submit a residential Travel Plan to the Local Planning Authority for approval in consultation with Essex County Council. The approved Travel Plan shall then be actively implemented for a minimum period from the first occupation of the development until 1 year after final occupation. It shall be accompanied by an annual monitoring fee of £1,596 (one thousand five hundred ninety-six pounds index linked) to be paid to Essex County Council.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

40. Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

INFORMATIVES:

Essex County Council (ECC) Sustainable Drainage

1. Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk. 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. More information about

consenting can be found in the attached standing advice note. 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.

3. Failure to provide the required drainage information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
4. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Anglian Water Services

5. A Feasible drainage strategy including a feasible mitigation strategy (if required)must be agreed with Anglian Water detailing the discharge solution including development size, proposed discharge rate (Should a pumped connection be required Anglian Water Services have minimum pumped discharge rate of 3.8l/s). No connections can be made into a public rising main. Notification of intention to connect to the public sewer is required under S106 of the Water Industry Act (More information can be found on Anglian Water's website: http://www.anglianwater.co.uk/developers/pre-development.aspx

Cadent Gas

6. If the development affects a High-Pressure pipeline, it is a statutory requirement that the developer input the details into the HSE's Planning Advice Web App. For further details, visit: www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm

Highways

7. It is expected that there will be no vehicular connection between the northern and southern site, as this should be for cycling and walking only.
8. There shall be no discharge of surface water onto the Highway from the site.
9. 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 at Essex County Council by email at development.management@essexhighways.oxg.
10. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks, 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.

11. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.