



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**DISTRICT PLANNING COMMITTEE  
15 JULY 2025**

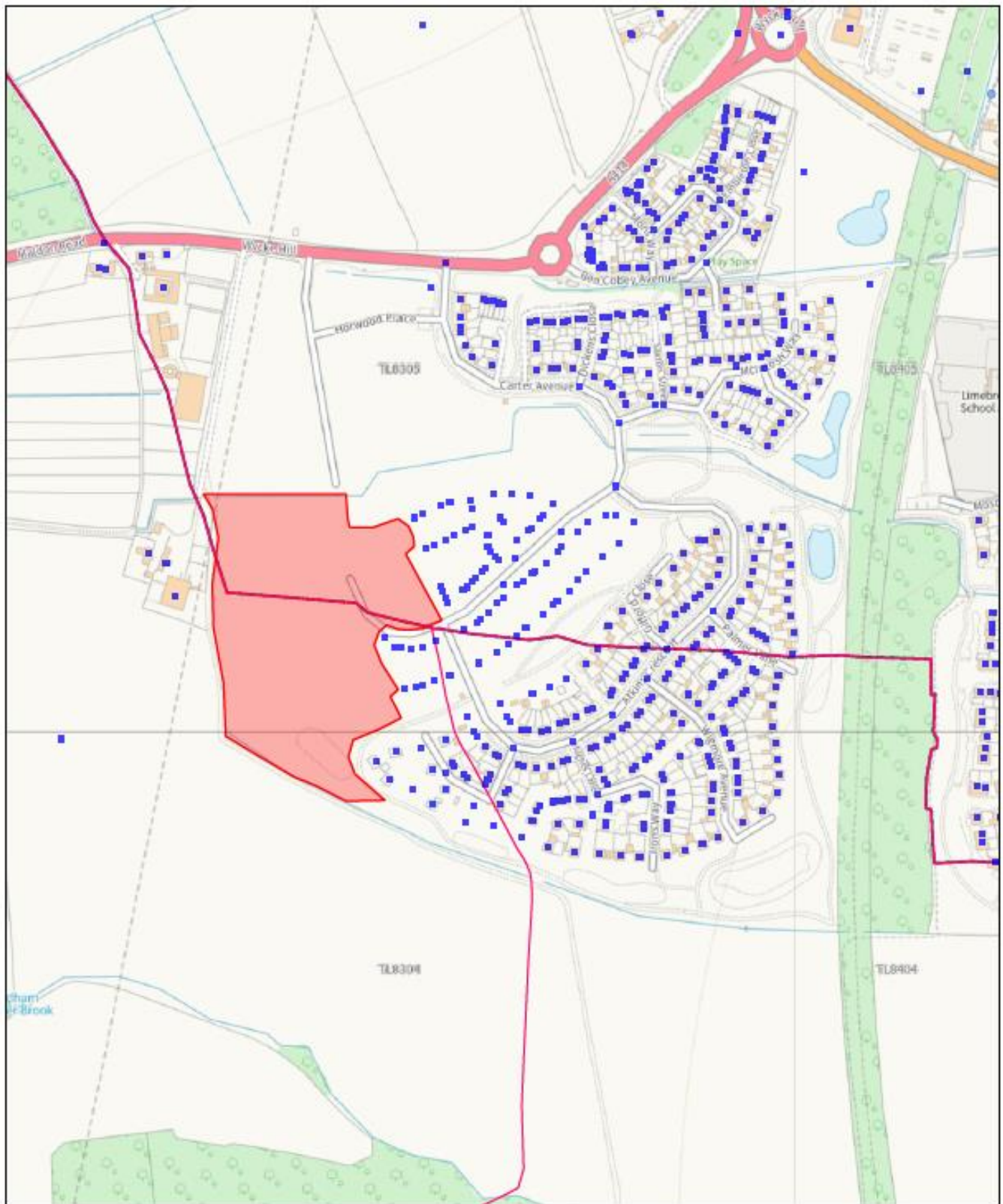
<b>Application Number</b>	<b>25/00160/FULM</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way Maldon Essex
<b>Proposal</b>	Construction of 90 dwellings (Use Class C3), open space, landscaping, vehicular and pedestrian infrastructure, sustainable urban drainage and other associated works
<b>Applicant</b>	Crest Nicholson Eastern
<b>Agent</b>	Michael Smith - JCN Design & Planning
<b>Target Decision Date</b>	01.08.2025
<b>Case Officer</b>	Patrick Daly
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Development

**1. RECOMMENDATION**

**APPROVE** subject to a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8 of this report.

**2. SITE MAP**

Please see below.

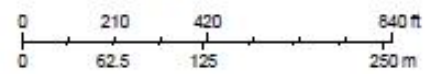


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DC Case Points

- F
- GMS BLPV Points
- Parish Polygon
- Ward Polygon
- OS Grid Tiles 1km

1:3,307



### **3. SUMMARY**

#### **3.1 Application site**

- 3.1.1 The application site is located to the south of Maldon, approximately 2.5km from the town centre. It measures 3.6 hectares (ha) in size and comprises a mix of rudimentary vegetation and areas relating to construction of the wider strategic site. The site is generally flat, rising gently to the north towards the A414.
- 3.1.2 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) for which outline planning permission (reference 14/01103/OUT) was granted in December 2016 following the completion of a Section 106 Agreement for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares. The site the subject of the abovementioned Outline planning permission was subsequently separated into 'eastern' and 'western' parcels, which are separated by a disused railway known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction.
- 3.1.3 The current application site comprises the 'fourth phase' of the western parcel and is to the west of Phases 2 and 3, which are currently being constructed by Crest Nicholson. Essentially the site comprises residual land following the implementation of the wider strategic development site noted above, that has permission and is currently delivering 1,000 new homes and employment land, local centre, primary school and other associated development. It should be noted that reserved matters have been approved for all phases of the residential segments.
- 3.1.4 Turning back to the detail of the site and its surroundings, the site is mostly surrounded by existing development or dwellings under construction to the east, courtesy of permission (14/01103/OUT), subsequent variations and reserved matters and Phases 2 and 3 of the Western Parcel of the development. To the west lies the Woodham Mortimer Pre-School and agricultural land beyond.

#### **3.2 Proposal / brief overview, including any relevant background information**

- 3.2.1 The proposal is for the erection of 90 new homes on the site comprising a mix of one to five bedroom homes. The site would be accessed via Carter Avenue to both the north and east, which is the principal road that serves the wider Western Parcel, which in turn leads to Maldon Road (A414) further north. The approved means of access granted via 14/01103/OUT to the site consists of two vehicular accesses off the A414 on the western side.
- 3.2.2 The dwellings would consist of a mix of mostly semi-detached and detached dwellings predominately with a small number of apartments / maisonettes, served by shared surface roads and a series of private drives. The dwellings would be a mixture of one, two and 2.5 storeys. External materials would consist of a mixture of red / red multi bricks, buff bricks, white / black boarding, ivory / off-white render, red or brown pan or plain tiles, or reconstituted slate tiles. Rear gardens would be enclosed by 1.8m high close-boarded fencing or, in public positions, brick walls.
- 3.2.3 Each dwelling would have parking spaces to the front and/or side of the unit and additional visitor spaces are pepper dotted throughout the development.
- 3.2.4 Landscaping would predominantly be located on the peripheries of the site in the form of grassland, pathways and trees linking to the wider strategic development site. Further tree planting is proposed along the streets, with larger trees proposed along

the spine road and smaller trees on the off shooting streets with shared surfaces. A swale is proposed to the south of the site that would be incorporated as part of the open space offering. It should be noted that this was already consented via 21/00889/RES for Phase 2.

- 3.2.5 Altogether, the proposal would comprise a 'fourth phase' of development on the Western Parcel of the land now known as 'Wycke Place', which is south of the land allocated for employment use.

### **3.3 Background**

- 3.3.1 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved LDP which gained outline planning permission (reference 14/01103/OUT) in December 2016. Following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'.
- 3.3.2 The outline planning permission included details of means of access to the site that forms this planning application; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the Site consists of two vehicular accesses off the A414 on the western side, an access (roundabout) off Limebrook Way and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 3.3.3 The planning history for the site and indeed the wider strategic development, is complex and involves several variations and reserved matters relating to relevant parcels of land. Following variations to the original consent, the site that forms part of this application represents the residual area of land following the delivery of housing on the surrounding plots, that cumulatively come to 1,000 units. The current application seeks planning permission for 90 dwellings, which would be in addition to the 1,000 dwellings granted planning permission within the Western and Eastern Parcels referred to above. It should be noted that the number of permitted dwellings has already been exceeded following the grant of full planning permission on the eastern parcel for an additional 42 dwellings in July 2023 (22/00454/FUL).
- 3.3.4 The first three phases of development in the western parcel have been developed in accordance with the densities provided in the approved parameter plans which has resulted in the 'leftover' parcel of land which is now the subject of this application.
- 3.3.5 The application is accompanied by supporting documents as follows:
- Covering letter
  - Application form
  - Location Plan CN077-PH4-PL-01 rev. C
  - Master Development Layout CN077-PH4-MP-01 rev. F
  - Development Layout CN077-PH4-PL-02 rev. F
  - Detailed Layout CN077-PH4-PL-03 rev. E

- Parking Layout CN077-PH4-PL-04 rev. E
- Garden Areas Layout CN077-PH4-PL-05 rev. E
- Storey Heights Layout CN077-PH4-PL-06 rev. E
- Refuse Layout CN077-PH4-PL-07 rev. E
- Materials Layout CN077-PH4-PL-08 rev. F
- Affordable Housing Location Plan CN077-PH4-PL-09 rev. F
- Sustainability Plan CN077-PH4-PL-10 rev. E
- Landscape Proposals 3181-5-2 DR-0001 rev. S4-P6
- Planting Proposals 1 of 5 3181-5-2 DR-0002 rev. S4-P5
- 16. Planting Proposals 2 of 5 3181-5-2 DR-0003 rev. S4-P5
- 17. Planting Proposals 3 of 5 3181-5-2 DR-0004 rev. S4-P5
- 18. Planting Proposals 4 of 5 3181-5-2 DR-0005 rev. S4-P6
- 19. Planting Proposals 5 of 5 3181-5-2 DR-0006 rev. S4-P6
- 20. Hard Surfaces and Boundaries 3181-5-2 DR-0007 rev. S4-P6
- 21. Typical Tree Planting Details 3181-5-2 DR-0008 rev. S4-P1
- 22. Planting Palette: Trees & Specimens, Hedges 3181-5-2-DR-0009 rev. P2
- 23. Planting Palette: General Planting 3181-5-2-DR-0010 rev. P1
- 24. Planting Palette: Defensive Scrub & Margins 3181-5-2-DR-0011 rev. P1
- 25. Preliminary Drainage Strategy 2303001-010 rev. C
- 26. Preliminary Levels Strategy 2303001-020 rev. A
- 27. Highway General Arrangement 2303001-030 rev. A
- 28. Vehicle Tracking General Arrangement 2303001-040 rev. A
- 29. 1 Bed Bungalow 1BBa, Plans and Elevations CN077e-PH4-HA-1BBa-01 rev. B
- 30. Aldenborough Ada, Plans and Elevations CN077e-PH4-HT-Ada-01 rev. D
- 31. Bacton BAa, Plans and Elevations CN077e-PH4-HA-BAa-01
- 32. Calthorpe CLa, Plans and Elevations CN077e-PH4-HT-CLa-01 rev. A
- 33. Calthorpe CLb, Plans and Elevations CN077e-PH4-HT-CLb-02 rev. A
- 34. Chelmsford CHa, Plans and Elevations CN077e-PH4-HT-CHa-01 rev. A
- 35. Chelmsford CHb, Plans and Elevations CN077e-PH4-HT-CHb-02 rev. B
- 36. Chelmsford CHc, Plans and Elevations CN077e-PH4-HT-CHc-03 rev. B
- 37. Edgeworth EWa, Plans and Elevations CN077e-PH4-HT-EWa-01 rev. A
- 38. Edgeworth EWb, Plans and Elevations CN077e-PH4-HT-EWb-02 rev. A
- 39. Feering FEa, Plans and Elevations CN077e-PH4-HA-FEa-01 rev. A
- 40. HA52a, Plans and Elevations CN077e-PH4-HA-HA52a-01 rev. D
- 41. HA52b, Plans and Elevations CN077e-PH4-HA-HA52b-02 rev. B
- 42. Maldon MAa, Plans and Elevations CN077e-PH4-HT-MAa-01 rev. B
- 43. Needham NEa, Plans and Elevations CN077e-PH4-HA-NEa-01
- 44. Needham NEb, Plans and Elevations CN077e-PH4-HA-NEb-02
- 45. Richmond RMa, Plans and Elevations CN077e-PH4-HT-RMa-01
- 46. Richmond RMb, Plans and Elevations CN077e-PH4-HT-RMb-02
- 47. Steeple STa, Plans and Elevations CN077e-PH4-HT-STa-01 rev. A
- 48. Steeple STb, Plans and Elevations CN077e-PH4-HT-STb-02

- 49. Winchester W1a, Plans and Elevations CN077e-PH4-HT-W1a-01
- 50. Winslow W1a, Plans and Elevations CN077e-PH4-HT-W1a-01
- 51. Winslow W1b, Plans and Elevations CN077e-PH4-HT-W1b-02
- 52. Cycle Store, Plans and Elevations CN077-PH4-CS-01
- 53. Garage SG1 and SG3, Plans and Elevations CN077-PH4-GR-01
- 54. Garage DG1, Plans and Elevations CN077-PH4-GR-02
- 55. Street Scenes A and B CN077-ST-01 rev. C
- 56. Street Scenes C, D and E CN077-ST-02 rev. A
- 57. Street Scenes F and G CN077-ST-03 rev. A
- 58. Street Scenes H and I CN077-ST-04
- 59. Air Quality Assessment (reference 2303001-ACE-XX-00-RP-C-0801, June 2024)
- 60. Arboricultural Impact Assessment (reference JBA 23/114 AR01 rev. C, June 2024)
- 61. Biodiversity Net Gain Calculation (reference JBA 23/114 ECO02a SW, May 2024), plus Biodiversity Metric 4.0 Calculation Tool (May 2024) in Excel format
- 62. Design Statement (Revision 07, December 2024)
- 63. Ecological Walkover Survey (reference JBA 23/114 ECO01 SW, May 2024)
- 64. Energy and Sustainability Statement (May 2024)
- 65. Flood Risk Assessment (reference 2303001-ACE-XX-00-RP-C-0301, December 2024)
- 66. Health Impact Assessment (December 2024)
- 67. Landscape Management and Maintenance Plan (May 2023)
- 68. Noise Assessment (reference 2303001-ACE-XX-00-RP-C-0601, July 2024)
- 69. Phase 1 Desk Study (reference 1923335-R01(00), May 2024)
- 70. Planning Statement (December 2024)
- 71. Statement of Community Involvement (June 2024)
- 72. Transport Assessment (reference 2303001-ACE-XX-00-RP-C-0101A, December 2024)

### **3.4 Conclusion**

- 3.4.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (14/01103/OUT) and subsequent variations. The site is also part of a wider strategic allocation in the LDP as Strategic Site S2(a) and the site is the result of residual land leftover from the delivery of the wider strategic development site.
- 3.4.2 The provision of 90 dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing (27 dwellings). It is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links to the wider strategic site would be acceptable with a contiguous open space area surrounding the development to the south and west.

Contributions to social infrastructure including education and health care would be garnered via a Section 106 (S106) legal agreement.

3.4.3 Based on the above, it is recommended that the application is approved.

#### **4. MAIN RELEVANT POLICIES**

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

#### **4.2 National Planning Policy Framework (NPPF) including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 54-58 Planning conditions and obligations
- 61-84 Delivering homes
- 109-118 Promoting sustainable transport
- 124-130 Making Effective Use of Land
- 131-141 Achieving well-designed places
- 161-186 Meeting the challenge of climate change, flooding and coastal change
- 187-201 Conserving and enhancing the natural environment

#### **4.3 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
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- H1 Affordable Housing
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

#### **4.4 Relevant Planning Guidance / Documents:**

- Maldon District Design Guide Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Planning Practice Guidance (PPG)

- Local Housing Needs Assessment (2021)
- South Maldon Garden Suburb Strategic Design Code (2016)
- Essex Coast Recreation Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020)

#### **4.5 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing**

- 4.5.1 The Section 106 Agreement associated with the outline planning permission for the Eastern and Western Parcels (reference 14/01103/OUT) secured the following:
- Highway and public transport obligations
  - Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units)
  - Education (provision of land for and a financial contribution to Essex County Council (ECC))
  - Healthcare financial contribution
  - Provision of an allotment site
  - Financial contribution for youth facilities
  - A local management organization to manage and administer the green infrastructure provided
- 4.5.2 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the requirements of the S106 agreement.
- 4.5.3 The proposed Heads of Terms for the current application agreed with the applicant are as follows:
- Affordable housing
  - Delivery of the on-site open space, including a specification for ongoing maintenance and control through a management company
  - Contribution towards delivery of a bus service through the Western Parcel
  - Funding for early years and childcare and primary education facilities
  - Funding for implementation of the Essex Coast RAMS
  - Provision of residential travel packs

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 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 require that planning decisions are to be made in accordance with the 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).
- 5.1.2 Policy S1 of the LDP promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF – an economic objective; a social objective; and an environmental objective. Moreover, Policy S1 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 includes key principles to be applied in policy and decision making.

- 5.1.3 To deliver the economic and residential growth in the District whilst protecting and enhancing the area’s natural, built and historic environment, LDP Policy S2 seeks to focus development on existing settlements subject to their role, accessibility and constraints.
- 5.1.4 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 22/00393/VARM). The site allocations within the LDP are for minimum housing numbers. The proposal would accord with the NPPF, paragraph 61, which refers to the Government’s objective of ‘significantly boosting the supply of homes’ and Chapter 11 ‘Making Effective Use of Land’, in particular paragraph 130 regarding achieving minimum densities. It is, therefore, considered the introduction of additional dwellings in this location is acceptable in principle.

#### Five Year Housing Land Supply (5YHLS)

- 5.1.5 As per Paragraph 79 of the NPPF, the Council as the Local Planning Authority (LPA) for the Maldon District should “monitor their deliverable land supply against their housing requirements, as set out in adopted strategic policies”. As the LDP is more than five years old, paragraph 77 requires LPAs to “identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply”. To this end, Maldon District Council prepares and publishes a Five-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. The latest Five-Year Housing Land Availability Report is expected to be published soon but the position has changed since the last report, for the year 2023 / 24, which stated there was a 6.3 years supply.
- 5.1.6 Currently the Council can only demonstrate 2.7 years’ worth of housing land supply. This is due to changes through the latest NPPF (2024) which introduced a new method for assessing housing need that reflects the current Government’s approach to building more houses. This also means that policies with housing targets such as policy S2 in the LDP can be considered to be non-compliant with the NPPF and therefore out of date. This means that the NPPF requirements apply as the most up to date policy position.
- 5.1.7 Given that the Council can no longer demonstrate a 5YHLS, it is clear that paragraph 11d would apply. However, to clarify the above, it is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out of date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.
- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within

the NPPF and relevant policies in the Local Plan. An assessment of the planning / tilted balance is provided later in this report.

#### Sustainable Development

- 5.1.9 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. 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. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

#### Environmental dimension

- 5.1.10 Accessibility is a key component of the environmental dimension of sustainable development.
- 5.1.11 The application site is located within the allocated South Maldon Garden Suburb and at the edge of Maldon which is a main settlement both of which contain or will contain a range of services and opportunities for employment, retail and education and serves a wide catchment area, with good public transport links. The proposal, therefore, is considered to be sustainable development in relation to its accessibility to sustainable means of transport.

#### Social dimension

- 5.1.12 The development would provide 90 dwellings. The housing mix proposed is set out above. The Council currently encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. However, the most up-to-date Local Housing Needs Assessment (May 2021) (LHNA) identifies that the greatest need is for two and three-bedroom dwellings and therefore, the housing mix proposed, in relation to the housing needs identified as part of this recent LHNA is met. The development would also provide 30% affordable housing in line with Policy H1.
- 5.1.13 As a result, the development would contribute positively to the identified housing need and be sufficiently responsive to local circumstances, which weighs in favour of the proposal and complies with Policy H1 of the LDP.

#### Economic dimension

- 5.1.14 The development cannot be considered in isolation. It is an additional housing element to the strategic site and is the latest phase of development within the South Maldon site. Development has been ongoing for several years providing some element of local employment and likely trade for local business through the construction phases and locally sourced materials. While the wider strategic site will provide for business through its local centre, the ever growing household numbers would and are contributing to the wider economy of Maldon.

#### Conclusion of principle of development

- 5.1.15 The Council is currently unable to demonstrate a 5YHLS and as per the NPPF, those policies in relation to housing are considered out of date and paragraph 11(d) of the

Framework is engaged, whereby the adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits in order to warrant a refusal. Notwithstanding the current position regarding the Council's 5YHLS, as noted earlier in this report, the site is allocated in the LDP for residential led development, which should weigh heavily in the planning balance. This is discussed further in the conclusion of this report.

## 5.2 Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need. This is supported through Policy H2 of the Local Plan which seeks to ensure that new housing reflects the need and demand of the District.
- 5.2.2 The LHNA is an assessment of housing need for Maldon District 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 NPPF and up to date PPG and provides the Council with a clear understanding of the local housing 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. The LNHA 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.
- 5.2.3 The proposal includes a mix of unit sizes and includes a small number of one-bedroom apartments, bungalows, two, three, four and five bed dwellings. An overview over the accommodation schedule is provided below:

House Type	Number Delivered	% of development
1-bed apartment/bungalow	8	9
2-bed dwelling	25	28
3-bed dwelling	39	43
4-bed dwelling	16	18
5-bed dwelling	2	2
<b>Total</b>	<b>90</b>	<b>100</b>

- 5.2.4 Assessing the above housing mix against the needs set out in the LNHA, the scheme would meet the percentage requirements with the number of two-beds (25%) delivered but would fall just short on three-beds (39%). Dispensation is given in this instance given the provision of one beds and limited number of five-beds as part of the application.
- 5.2.5 It is considered that the mix of units and the size of units proposed is supported and meets the requirements as set out in the LNHA and Policy H2 of the LDP.

## 5.3 Affordable Housing

- 5.3.1 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 falls within the Maldon Central area defined under Policy H1. The requirement towards affordable housing has been set at 30% of the total amount of housing provided under Policy H1 of the LDP.
- 5.3.2 The proposal includes 30% affordable housing provision (27 dwellings) which is policy compliant. The tenure split proposed meets the 75%/25% Affordable / Social

Rented (20 properties) and Intermediate Affordable (seven properties) identified in the Local Housing Needs Assessment 2021.

- 5.3.3 Following discussions with the Developer / Agent, the development is now proposing the following mix of affordable dwellings:

*Affordable / Social Rented*

- 1 x 4 bed 7 person House
- 9 x 3 bed 5 person Houses
- 8 x 2 bed 4 person Houses
- 2 x 1 bed 2 person Bungalows

*Intermediate Affordable*

- 6 x 1 bed 2 person Apartments
- 1 x 2 bed 4 person House.

- 5.3.4 The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement.
- 5.3.5 Affordable housing is spread across the site as detailed in the Development Layout Plan. The affordable housing layout is considered to be a good design approach being comparable to that proposed for the market housing element of the scheme and responds to the type of affordable housing needed. The approach also satisfies the Maldon District Design Guide SPD (2017) (MDDG) requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance *'to encourage social inclusion and community cohesion'*.
- 5.3.6 It should be noted that the bungalows provided also include a study area to the front elevation. Following Officer comments on the application, this area has been reduced in size so that it does not meet the minimum standards for a bedroom as set out in the Nationally Described Space Standards (NDSS), whereby to be classified as a bedroom, it must have at least 7.5sq.m and be at least 2.15m wide. For clarity, the study room would be 8sq.m in size but only 2m wide and therefore cannot be marketed as a bedroom when the bungalows come forward for occupation.
- 5.3.7 Strategic Housing requested the removal of these studies in the first instance but given difficulties in redesign, it is requested that that wording is detailed within the Section 106 specifying that the 2 x one-bed, 2 person affordable rented bungalows are let as such and not as two bed properties.
- 5.3.8 The Council's Housing Strategy Team raise support the application on the above and the application is considered to accord with Policy H1 of the LDP.

## **5.4 Design and Impact on the Character and Appearance of the Area**

- 5.4.1 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. Indeed, good design is fundamental to high quality new development and its importance is reflected in the NPPF. Furthermore, the basis of Policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

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

5.4.2 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.

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

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

5.4.5 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission including: 'Design Parameter Plan – Land Use'; 'Building Height'; 'Residential Amenity'; 'Green Infrastructure'; and 'Movement'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.

5.4.6 The application site is within the Woodland View character area as identified in the Masterplan. The following Design Codes relate to the development: Primary Street (PS01 PS03); Green Edge Streets (GE01); Green Space Streets (GS01 GS02 GS03); and Built Edge Streets (BS06 BS07).

#### Density

5.4.7 In terms of density, given the site area and the provision of 90 dwellings, the level of density of this phase of development would be approximately 33 dwellings per hectare (dph). Taking this within the surrounding context, the adjacent parcel to the east, approved via 21/00889/RES delivered at varying densities in accordance with the Residential Density Parameter Plan, split into medium density (30-35dph) and low density (20-30dph) along the southern and most of the eastern boundary. Given

the location of the site to the west of the approved scheme that is currently under construction and to the south of the proposed employment area, the density level of 33dph is considered acceptable and in accordance with the surrounding character of the wider development area.

#### Layout

- 5.4.8 The residential development proposes to extend the existing spine road from Phase 3 northward towards the employment area to the north. The layout continues the hierarchy of internal roads, with the spine road being the principal thoroughfare, with other offshoot road being characterised by asphalt surfaces to improve legibility and wayfinding.
- 5.4.9 The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. The dwellings proposed along the site's external boundaries would be set back from these boundaries with intervening landscaping which would soften the visual impact of the development and would also accommodate and continue a pedestrian pathway that circumnavigate the wider development area.

#### Scale

- 5.4.10 The dwellings would consist of a mixture of buildings, all two or two and half storeys in height and a mixture of around 22 different house-types across the site, all with pitched roofs and using traditional external materials. Dwellings of two and a half storeys would be concentrated on the spine road and on the periphery boundary to the west to offer articulation to the roofscape, breaking up any perception of repetitious scale.
- 5.4.11 It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. The character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site and consistent in relation to the schemes approved for previous phases within both the Eastern and Western Parcels of the wider development.

#### Appearance

- 5.4.12 The Applicant is proposing different house styles to those that were approved on the nearest adjacent site to the west, approved via 21/00889/RES. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual clues such as pitched roofs, dormer windows, gabled projections, bay windows and chimneys and a cohesive mix of external materials to offer distinction yet unify the development. The maisonettes blocks would also have a similar appearance with gable ends, deep soffits and materiality of brick and render.
- 5.4.13 In comparing and contrasting, it is apparent from the submitted streetscenes that the house types proposed as part of this application are proposing subtle differences to what has been previously approved, with a greater proportion of dwellings focussing on lighter coloured elevations and roofs. Notwithstanding, black weatherboarding is still proposed on detached plots and red brick proposed predominantly on semi-detached units. The proposals also offer varying plot widths and roof profiles for additional expression.

### Landscaping

- 5.4.14 The dwellings proposed along the site's external peripheries to the north, south and west would be set back from these boundaries with buffering landscaping, softening the visual impact of the development. The landscaping would incorporate pedestrian pathways that link to the wider development area to the east and would also include a drainage basin, which would also form part of the open space area. This large, contiguous open space that connects with existing provision is considered to provide ample landscaping for healthy lifestyles and well-being, as per policy requirements.
- 5.4.15 Street trees would line with thoroughfare and residential offshoots in conformity with previous consents on the wider development area.

### Accordance with the Design Codes and Outline Consent

- 5.4.16 As the application site is within the Woodland View character area as identified in the Masterplan, it is important that the scheme accords with the Design Codes Primary Street (PS01 PS03), Green Edge Streets (GE01), Green Space Streets (GS01, GS02 and GS03), and Built Edge Streets (BS06 and BS07). Planning permission 14/01103/OUT also set a number of precedents with regards to design that should be adhered to.
- 5.4.17 Density of development is acceptable and within the medium density range of 30-35 approved at outline stage and with the aforementioned design codes.
- 5.4.18 The layout proposed follows the grain and layout of the approved phases that surround/will surround the development and generally is congruent with requirements of the aforementioned design codes. The scale proposed complies with the Building Heights Design Parameter Plan approved at Outline stage (up to 2.5 storeys) and there are no concerns in this respect.
- 5.4.19 The appearance follows the commenced development and as set out in the MDDG and the landscaping complies with the landscape led approach set out in the adopted Strategic Design Codes and Masterplan SPD, continuing the peripheral open space and foliage offering for screening and amenity purposes.

### Character and Appearance of the Area

- 5.4.20 The development would inevitably result in the loss of an otherwise open greenfield land, albeit scarred that is currently used to facilitate the delivery of the wider development allocation and it would increase the density of the wider development area. However, as the site already forms part of the allocated parcel for development in the Local Plan and is relatively flat and contained given the presence of built form to the north and east (existing and forthcoming), the perceived impact on the character and appearance of the area is very much reduced in this instance. Even so, the site would be an obvious and logical location for housing given the policy context and the aforementioned setting.
- 5.4.21 Notwithstanding, the proposals would continue the extant approved landscape pattern that is predominantly located on the peripheries of the development parcels, providing an appropriate setting to the new development and would afford a softer edge to the development rather than the abrupt built form of parcels 2 and 3 as would be fallback position without consent.
- 5.4.22 Given the above, the proposal complies with relevant parts of policies D1 and H4 of the Maldon LDP concerning the character and appearance of the area.

## Assessment

- 5.4.23 The Council's Principal Place Officer has been consulted on the application and has no objections to the design and layout of the scheme.
- 5.4.24 Given the above, the proposal complies with relevant parts of policies D1 and H4 of the Maldon LDP concerning design and the character and appearance of the area. The details provided with the application accord with the Design Code and would help deliver high quality garden suburb development in conjunction with the wider masterplan site.

## **5.5 Provision of Public Open Space and Landscaping**

- 5.5.1 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.
- 5.5.2 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 Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 5.5.3 LDP policy N3 requires, inter alia, that as a minimum, development should not increase existing deficiencies of open space, sports and leisure facilities in the locality. It also states that: *"The requirement for new open space, buildings or sports infrastructure associated with developments will be subject to the legal tests (currently set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010) and subject to the proviso that no obligation or policy burden shall threaten the viability of the development"*.
- 5.5.4 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.
- 5.5.5 A further consideration is the 'Green Edge' Design Code 'Design Objectives' of the South Maldon.
- 5.5.6 The scheme proposes to include the provision of public open space, wrapping around the development to the south and west, acting as screening / buffering from the surrounding countryside. Its siting and extent would continue the layout of the wider masterplan area with the open space located on the periphery of the site and linking from southeast (Phase 2) to the allocated proposed employment area to the north. The open space would also link to the green linkages located to the north (Phase 3) and the neighbourhood play area at the southern end that dissects the western parcel of the masterplan area.
- 5.5.7 The open space would integrate a drainage basin into its design and would incorporate tree planting throughout. Children's play space is not proposed but one of



the aforementioned green linkages would connect to the neighbourhood play area to the centre of the western parcel.

- 5.5.8 The provision of open space is considered consistent with the wider masterplan area and as such, accords with Policies D1 and N3 of the LDP, the MDDG and The South Maldon Strategic Masterplan Framework.

## **5.6 Impact on Existing and Prospective Residential Amenity**

- 5.6.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.6.2 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. The adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats. It is expected that each dwelling should provide the required level of amenity space provision.
- 5.6.3 Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

### Existing Amenity

- 5.6.4 Given the location of the site, existing amenity concerns are focussed on the dwellings that have already been approved via 21/00889/RES (Phase 3) that is closest to the site and are either under construction or are now occupied.
- 5.6.5 The proposed dwellings would be a maximum of two and a half storeys in height and positioned at appropriate distances, buffered by roads and/or landscaping. As such, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of Phase 3 by reason of overlooking, loss of outlook, visual impact, daylight and sunlight. Due to the residential nature of the development proposed, the proposal would not give rise any issues in relation to smell, light or pollution.
- 5.6.6 Regarding air quality, the accompanying assessment states that existing concentrations of NO<sub>2</sub> (Nitrogen Dioxide), PM (Particulate Matter) 10 and PM 2.5 in the area are well below the air quality objectives set for the protection of health. Future increases in traffic associated with this application are unlikely to significantly affect air quality and as such, no concerns are raised with regard with the development from the Council's Environmental Health Officer.
- 5.6.7 The Air Quality Assessment does, however, highlight issues of dust and particulates arising from construction period. Moreover, noise and disturbance would also be limited to the construction period. As such. It is appropriate that mitigation is provided by way of condition as necessary, via a Construction Method Statement.

### Prospective Amenity

- 5.6.8 All the proposed dwellings would meet the NDSS space requirements, both market and affordable units.

- 5.6.9 All of the private amenity spaces proposed comply with the recommended minimum sizes, varying between the minimum 50sq.m for two bed spaces and 100sq.m with those with three or more bedrooms, increasing up to a maximum of 167sq.m. The apartments located to the east of the site would also have communal gardens, measuring 50sq.m and 108sq.m. There would also be areas of public open space in close proximity to all of the dwellings proposed.
- 5.6.10 Direct 'back-to-back' distances would generally be at least 25m as recommended in the MDDG. Following a review of layout, there would be no instances of overlooking, privacy concerns or overbearingness.
- 5.6.11 The Noise Assessment submitted assesses the impact of traffic noise on the occupiers of the proposed dwellings and concludes that with either open or closed windows the BS8233 internal noise levels will be met in all properties using standard double glazing. The Council's Environmental Health Officer has recommended a condition that requires habitable rooms to meet specific noise criteria to protect future amenity. The imposition of this condition is considered relent and necessary given the commercial area to the north.

## **5.7 Access, Highways and Parking**

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes and include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards. The Council's adopted VPS contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.7.2 The Council's adopted VPS contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

### Access

- 5.7.3 Turning to access first, the application site would be accessed via the existing spine road (Carter Avenue) to both the north and east, that connects the wider allocated development. This road is turn leads to Maldon Road (A414) further north. Whilst the allocated employment area to the north has not come forward for development yet, provision is made, nonetheless. Until this site is developed, prospective residents

would utilise the eastern route of Cart Avenue. There are no concerns raised with this arrangement.

- 5.7.4 ECC Highways has raised concerns with the provision of a proposed access to the south-west corner of the site. This is not part of the Public Right of Way (PRoW) network and would require the permission of the adjacent landowner, which is unlikely to be forthcoming. Notwithstanding, there is concern that the pedestrian access could become an informal and unwanted route to Public Footpath 23 that lies beyond the boundary of the site to the south. ECC has requested that a condition is applied should consent be granted that prohibits a link beyond the site boundary and this is supported by Officers.

#### Trip Rates

- 5.7.5 During the AM and PM peaks, there would be 46 and 44 two-way trips respectively, of which the majority would use the A414 Maldon Road (west).
- 5.7.6 When the above trip rates are integrated into the wider masterplan area, limited to Limebrook West (the western parcel), which already has consent for Phases 2 and 3 and the employment area to the north, there is a negligible impact on the surrounding highway. There is a 46% increase in vehicles on Carter Avenue in the AM peak, the main connecting thoroughfare on the site with only a 14% increase in the PM peak and this is expected given the location of the proposed housing. However, the impact on other key junctions remains in the low percentage digits or with no discernible change.
- 5.7.7 Given the above, ECC has not raised any concerns in regard to highway capacity or and impacts on junctions.

#### Car and Cyle Parking

- 5.7.8 A Parking Layout Plan is submitted with the application that details the type and location of parking.
- 5.7.9 Each dwelling would have its own allotted parking spaces, which would correspond with the Council's adopted VPS, ranging from one, two and three parking spaces per dwelling. The location of parking would be either to the front or to the side of the host dwelling. Some of the parking would be covered with a car port, where appropriate. It is noted that some of the parking spaces are located quite deep into the plot of the host dwelling but this is positioned as such so as to facilitate the fire access vehicular turning areas as required by ECC Highways. Nonetheless, all parking meets the requisite space standards.
- 5.7.10 Given the size of the development, visitor parking is also proposed as required by the VPS. These spaces are located throughout the site on the main spine road and on the western and southern peripheries of the developable area adjacent to the proposed open space. A lesser number of visitor spaces are pepper dotted on the paved roads.
- 5.7.11 Electric vehicle parking is provided as standard for each dwelling given the provisions of Building Regulations Part S and would be either wall or bollard mounted. Covered cycle parking is provided for all dwellings, either within garages / car ports or within timber sheds in the rear garden area.

## Conclusion

- 5.7.12 Overall, the development is compliant with the policies of the NPPF, the LDP and the requirements set out in the VPS subject to requisite conditions requiring additional details.

### **5.8 Drainage and Flood Risk**

- 5.8.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.8.2 The site is in Flood Zone 1, the lowest risk of flooding. Notwithstanding the outline consent, an important point that must be considered is the cumulative impact of the development on the drainage system especially with the densification of the site beyond what was originally envisaged. It is important to note however, that the surface water risk area identified within the redline plan is to be managed by the drainage systems of both Phase 2 and Phase 3 as approved and therefore, there is a lesser requirement for mitigation as part of this proposal.
- 5.8.3 Turning to the detail, surface water from the development would be attenuated within an attenuation basin to the south of the site, according to the Preliminary Drainage Strategy contained within the Flood Risk Assessment. It should be noted that this was already approved via 21/00889/RES for Phase 2. This arrangement follows the topography of the site that gently slopes downwards from northwest to southeast. Following assessment, the LLFA has requested that drainage modelling is provided for the 1 in 1 and 1 in 30 year rainfall events and this has been achieved via small changes to the attenuation basin to the south of the site. Notwithstanding, a condition will be attached should consent be granted, to formalise this strategy.
- 5.8.4 The foul drainage strategy for the Site is split into two catchments: the majority of the development would discharge into the infrastructure drainage underneath the spine road and a small number of units to the east would discharge into an existing sewer delivered via the wider strategic development. This will all be achieved by gravity fed sewers under private roads.
- 5.8.5 In all, the LLFA has responded requiring further clarification on micro drainage calculations from the Applicant, with the latest iterations requiring a comment from the LLFA. To date this is still outstanding but the response will form part of Supplementary Report should it be forthcoming.

### **5.9 Biodiversity and Nature Conservation**

- 5.9.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network, whilst Policy S2 requires development proposals to be accompanied by a comprehensive and detailed ecological survey.
- 5.9.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 5.9.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development

which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure. Whilst Policy N2 seeks to deliver net biodiversity gain and sets out that 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.

- 5.9.4 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.

#### Ecology

- 5.9.5 The application is supported by an Ecological Walkover Survey undertaken by James Blake Associates. As the site has been cleared in order to facilitate the delivery of the wider masterplan site, there is very little by way of ecological assets on the site, save for some rudimentary vegetation. Whilst the site was considered suitable for badgers, no evidence was found during the investigation. The site is not considered suitable for nesting birds given the lack of vegetation and there are no waterbodies within 250m that would pertain to the presence of amphibians. Overall, the site is considered to have limited ecological value. As the time of writing, no comments have been received by the Council's Ecologist (Place Services) and as such, any comments and conditions will form part of a Supplementary Report prior to Committee.

#### Biodiversity Net Gain (BNG)

- 5.9.6 The target BNG for this project is 10% as set out in the in the Environmental Act (2021).
- 5.9.7 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. The overall increase is projected to be 19.4%, above the prerequisite amount as set out in statute. Place Services have raised no objection.

#### Trees

- 5.9.8 Given the condition of the site, the application is not accompanied by arboricultural details. However, the application is accompanied by tree, hedge and scrub planting details that provide a list of specimens that will be used throughout the site. This should be read in conjunction with the landscaping plans.
- 5.9.9 The Tree Officer has been consulted and is supportive of the proposals and the specimens chosen. A broad mix of native species would be delivered and would offer screening to the boundaries of the site and amenity enhancements via street planting and defensible spaces at the front of dwellings.

Ecology regarding development within the Zone of Influence (Zol) for the Essex Coast RAMS

- 5.9.10 The application site falls within the Zol for one or more of the European designated sites (The European designated sites within the Maldon District are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site). The combined recreational Zol of these sites cover the whole of the Maldon District.
- 5.9.11 The LPA is therefore required to prepare a project level Habitat Regulation Assessment (HRA) Appropriate Assessment to secure a per dwelling tariff by a legal agreement for the 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.
- 5.9.12 To accord with Natural England's (NE) requirements and standard advice an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

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

Is the development within the Zol for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for 90no. dwellings

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

Is the proposal for 100 houses + (or equivalent)? No, the proposal is for 90no. dwellings

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

Summary of Appropriate Assessment

- 5.9.13 As the answer is no, it is advised that should planning permission be forthcoming, a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the named European sites from recreational disturbance, when considered 'in combination' with other development.
- 5.9.14 A proportionate financial contribution towards visitor management measures will also need to be secured from the developer in line with the Essex Coast RAMS (£163.86 per dwelling in line 2024 / 25 tariff) for delivery prior to occupation, to be secured by planning obligation. This is necessary to avoid adverse effects upon the coastal Habitats Site from recreational disturbance in combination with other plans and projects.

## Conclusion

- 5.9.15 It is considered there is sufficient information submitted to assess protected and Priority species and that subject to conditions, any impact would be acceptable. Sufficient information submitted in relation to Mandatory BNG. The applicant is willing to enter into a legal agreement to secure the necessary RAMS contribution. Accordingly, the proposal accords with policies S1, D1, N1 and N2 of the LDP and provisions in the NPPF.

## **5.10 Other Environmental Considerations**

### Air Quality

- 5.10.1 An air quality assessment has been submitted with the application. The construction phase is likely to give rise to dust upon nearby residential properties and this risk is not considered significant for human health subject to sufficient mitigation measures being implemented. The mitigation measures would include covering stockpile and dampening soil. Such measures can form part of the Construction Environmental Management Plan which will require details of all mitigation measures to be agreed through a planning condition.
- 5.10.2 The impacts of operational traffic generation associated with the proposed development have been considered and are anticipated to be below the Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) screening criteria and as such, the impacts are not considered significant.

### Energy and Sustainability

- 5.10.3 The Applicant has submitted an Energy Statement with the application that confirms that all homes will meet the minimum requirements under Building Regulations Part L 2021 and will exceed Building Regulations Part L 2013 by 31%. This will lead to a saving of over 69,000kg of carbon dioxide per year.

### Contaminated Land

- 5.10.4 The submitted Phase 1 Desk Study and Risk Assessment reviews previously submitted ground investigations for the wider Limebrook Way site. It also considers the site within its current context as an active construction site as well as its past use as agricultural fields. Considering the recent surrounding development and the history of the site, the associated risks are considered to be very low in this instance and no further investigations or remediation is necessary.

### Heritage and Archaeology

- 5.10.5 The proposed development is located on the edge of the historic town of Maldon but was previously identified having a 'generally low potential for archaeological remains' with 'limited potential to contain prehistoric remains'. Indeed, the site has been fully archaeologically investigated and a post-excavation assessment submitted and approved. As such, there are therefore no further archaeological recommendations being made with regard to this application.

### Health Impact Assessment

- 5.10.6 The Applicant has submitted a Health Impact Assessment with the application. It reviews the health and well-being of both existing and future residents. In summary, no significant impacts are envisioned arising from the development. The

development will however have an impact on the local doctors and dentists, and this will need to be mitigated against via S106 contributions (discussed below).

### Waste

- 5.10.7 The Applicant has submitted a refuse plan that illustrates refuse vehicle tracking, storage and collection points. At the time of writing, no comments have been received from the Council's waste officers. Any comments received will be covered in a Supplementary Report.

## **5.11 Viability and Planning Obligations**

- 5.11.1 Paragraph 58 of the NPPF sets out the three tests required for planning obligations (as set in regulation 122(2) of the Community Infrastructure Levy Regulations) with all three tests needing to be met:

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

- 5.11.2 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 Section 106 agreements and/or Community Infrastructure Levy and other funding sources"*. LDP policy I1 also requires developers to contribute towards local and strategic infrastructure and services necessary to support the proposed development. It also states that where the development may impact upon the local area, a Section 106 contribution may be agreed between the Council and the developer to mitigate those impacts.

### Healthcare

- 5.11.3 The Mid and South Essex Integrated Care System (the ICS) response notes that the two closest surgeries Blackwater Medical Centre and the Longfield Medical Centre are both over capacity and there is an existing deficit of 937sq.m of practice floorspace.
- 5.11.4 The ICS note that development could give rise to an additional 216 new residents, which would subsequently transpire to additional demand for health services. As such, the capital required to create additional floorspace for support the population arising from the proposed development is calculated to be £44,600 in order to deliver an additional 14.8sq.m of floorspace as part of a S106 legal agreement.
- 5.11.5 Previous comments have been raised regarding the delivery of a medical centre as part of the wider strategic development site. The Applicant does not control this part of the strategic site and therefore cannot influence its provision. However, as noted above, the Applicant will contribute financially to healthcare provision for the local area.

### Education and Libraries

- 5.11.6 As the time of writing, no comments have been received from ECC regarding child yield and contributions to school provision and libraries. As such, any comments and conditions will form part of a supplementary report prior to Committee.



## RAMS

- 5.11.7 Given the above assessment, a proportionate financial contribution towards visitor management measures will be secured from the developer in line with the Essex Coast RAMS (£163.86 per dwelling in line 2024 / 25 tariff) for delivery prior to occupation, to be secured by planning obligation. This is necessary to avoid adverse effects upon the coastal Habitats Site from recreational disturbance in combination with other plans and projects.

### **5.12 Planning Balance and Conclusion**

- 5.12.1 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.

- 5.12.2 As such, the Council cannot currently demonstrate a 5YHLS (2.7 years), this means that Paragraph 11d of the NPPF as revised, otherwise known as the 'Tilted Balance', is engaged. Attention is drawn to the second bullet point of the paragraph, which states:

*“any adverse impacts of doing so (approving the development) would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*

- 5.12.3 In regard to the above and in judging whether the scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers, against the harm which would arise from the proposed development.
- 5.12.4 Turning to benefits first, the scheme would provide new housing for the District. This is given very substantial weight considering the volume delivered as part of the application and the current 5YHLS position. The delivery of affordable housing (27 units) is given very substantial weight, especially as the site is located on the edge of Maldon, the main settlement in the District and on a site allocated in the LDP for housing.
- 5.12.5 Matters in relation to open space are afforded moderate weight in light of its general continuation of the existing arrangement. Employment opportunities arising from the proposals via construction jobs is given very limited weight considering its transient nature.
- 5.12.6 The main impact of the development that are harmful is the discordance with the development plan and the site allocation, whereby the proposals together with the surrounding planning permissions would lead to a greater number of homes being delivered against the allocated number in the LDP (1,000). This is afforded limited weight in the planning balance.
- 5.12.7 The planning balance is not a mathematical exercise whereby an amount of weights of benefits equals an acceptable scheme, but instead provides a rounded view of the proposals overall. It is important to recognise the benefits of the scheme but also the significant harms identified with this particular proposal which are of importance to decision making. On the merits of this particular proposal, the harm clearly outweighs the benefits.

**6. ANY RELEVANT SITE HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>14/01103/OUT</b>	Outline application for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.	Approved
<b>16/01454/FUL</b>	Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>16/01458/FUL</b>	Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>17/00396/FUL</b>	Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved

Application Number	Description	Decision
<b>18/00070/FUL</b>	Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>18/00071/FUL</b>	Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved
<b>19/00101/MLA</b>	Application for a modification to Section 106 legal agreement executed under planning application OUT/MAL/14/01103 as amended by Deed of Variation (references FUL/MAL/16/01454 and FUL/MAL/17/00396)	Approved
<b>19/01093/FUL</b>	Full planning application for infrastructure works, including foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.	
<b>19/01134/FUL</b>	Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)	Approved

Application Number	Description	Decision
<b>20/00074/FUL</b>	Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))	Approved
<b>20/00294/FUL</b>	Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.)	Approved
<b>20/00856/PROW</b>	Diversion of a public footpath 41 (PROW 253) & 14 (PROW 248) Diversion Order made 01.07.2022	Approved
<b>21/00889/RES</b>	Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) comprising the construction of 210 residential dwellings (Use Class	Approved

Application Number	Description	Decision
<b>22/00393/VARM</b>	<p>C3), new public open space and car parking.</p> <p>Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL ( Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))</p>	Approved
<b>22/01256/RESM</b>	<p>Reserved matters application for the approval of appearance, landscaping, layout and scale of Phase 3 of the Western Parcel (comprising 78 residential dwellings (Use Class C3), new public open space and car parking) of approved planning application 22/00393/VARM (Variation of condition 35 (details of employment land) on approved planning permission 20/00074/FUL (Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))</p>	Approved

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Objects based on the lack of information relating to the mix of housing and affordable housing provision, the size of parking bays and EV charging bays, landscaping and green space and access onto the A414. A Transport Plan should also be submitted including details of a new bus route through the western parcel.	Noted, any updates will be reported through the Members' Update process.
Woodham Mortimer With Hazeleigh Parish Council	Objection based on the lack of infrastructure such as schools, medical services and the road network.	Noted. Matters discussed in sections 5.7 and 5.11.

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Local Highway Authority	No objections subject to conditions	Discussed in section 5.7.
Archaeology	No objections	Discussed in paragraph 5.10.5
Mid and South Essex Integrated Care System	No objection subject to a S106 legal agreement and contribution of £44,600 towards healthcare provision	Discussed in section 5.11.
Anglian Water	No objections	Noted.
Lead Local Flood Authority	No comment received to date following revised drainage calculations. To form part of a Supplementary Report.	Not applicable (N/A)
UK Power Networks	No comment received	N/A
Environment Agency	No comment received	N/A
Natural England	No comment received	N/A
Education Department	No comment received to date. To form part of a Supplementary Report.	N/A

### **7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No comment received	N/A
Tree Officer	No objection	Discussed in paragraphs 5.9.8 and 5.9.9.

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Planning Policy	No comment received	N/A
Housing Department	No objections subject to S106 legal agreement	
Place Services – Design	No objection	Noted. Discussed in 5.4 and 5.5.
Place Services – Ecology	No comments received to date. To form part of a Supplementary Report.	N/A
Waste	No comments received to date. To form part of a Supplementary Report.	N/A

#### **7.4 Representations received from Interested Parties**

7.4.1 No letters of representation have been received.

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

#### **HEADS OF TERMS OF SECTION 106 AGREEMENT**

##### **Affordable Housing:**

Agreed housing mix of houses (social/market), apartments and bungalows comprised of affordable/social rented, intermediate affordable and market

##### **Education and Libraries**

Contributions in respect of early years and childcare, primary and secondary school places

Contributions to the enhancement and improvement of library and related services at a cost commensurate to the development.

Employment and Skills (Employment and Skills Plan)

##### **ECC Monitoring Fees:**

To pay the County Council's Monitoring Fee of £700 per obligation (financial and otherwise).

##### **NHS:**

Contributions towards healthcare provision and infrastructure.

##### **Essex Coast RAMS:**

A financial contribution to mitigate increases in recreational pressure effects on the coastal protected sites in-combination with other projects within the Zol of the Essex Coast protected areas.

##### **Indexing:**

All contribution payments to be index linked.

### **S106 Legal and District Council Monitoring fees:**

Pay the Council's professional fees associated with the preparation and completion of the S106 Legal Agreement and the cost of monitoring.

### **PROPOSED CONDITIONS:**

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as shown on the decision notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved. No above ground works shall commence until samples or product details of the materials to be used in the construction of the external surfaces, including windows, doors, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
3. Within the first available planting season following the first occupation of the development, the soft landscaping works as shown on the approved plans shall be fully implemented. If within a period of 5 years from the date of planting any tree or plant, or any tree planted in replacement for it is removed, up rooted, is 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 at the same place, unless the Local Planning Authority gives its written consent to any variation.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan 2017 and guidance contained within the National Planning Policy Framework.
4. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include the following:
  - Safe access in / out of the site
  - The parking of vehicles of site operatives and visitors
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The storage of top soil
  - Wheel and underbody washing facilities
  - Construction signage and traffic management
  - Measures to control the emission of dust, dirt and mud during construction
  - A scheme to control noise and vibration during the construction phase, including details of any piling operations
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance
  - Contact details for Site Manager and details of publication of such details to local residents. The approved Construction Management



Plan shall be adhered to throughout the construction period of the development.

**REASON:** In the interest of the highway safety and neighbouring amenity in accordance with Policies S1, D1, D4, T1 and T2 of the approved Maldon District Local Development Plan.

5. A Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (CSA Environmental, August 2024) is to be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:
- detailed designs or product descriptions for biodiversity enhancements; and
  - locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

**REASON:** To enhance Protected and Priority Species / habitats, allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies N1 and N2 of the approved Maldon District Approved Local Development Plan (2017) and guidance contained within the National Planning Policy Framework.

6. Design and construction of the development shall ensure that the following noise criteria are met:
- 1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
  - 2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
  - 3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

**REASON:** In the interests of residential amenity and in accordance with policies D1 & D2 of the Maldon District Approved Local Development Plan 2014 – 2029.

7. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
- Arboricultural method statement (including drainage service runs, landscaping and construction of hard surfaces)

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

REASON: In the interests of the character and appearance of the development and to secure opportunities for enhancing the site's nature conservation value in accordance with Policies S1, S3, S4, S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF

8. Notwithstanding site layout and Masterplan drawings, there shall be no link provided from outside of the development to/from Public Footpath No 26 (Woodham Mortimer parish) in the south-west corner of the site.

REASON: To protect the integrity of the Public Right of Way and ensure the continued safe passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities

REASON: To ensure that on-street parking of these 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.

10. Woodham Mortimer public footpath no 26 and Maldon public footpath no 41 shall be resurfaced consistent with Phase 2 of the overall Land south of Limebrook Way development immediately to the east of the site, i.e. self-binding gravel. The north-south aligned section that runs alongside a proposed new path shall include signage that clearly indicates what is part of the Public Right of Way network and what is privately-owned by the developer.

REASON: To protect the integrity of the Public Right of Way and ensure the continued passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

11. Notwithstanding site layout and Masterplan drawings, there shall be no link provided from outside of the development to/from Woodham Mortimer public footpath no 26 in the southwest corner of the site.

REASON: To protect the integrity of the Public Right of Way and ensure the continued passage of the public on the definitive right of way in accordance with Policies DM1 and DM11 of the Development Management Policies as adopted as Essex County Council Supplementary Guidance.

12. Prior to 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. Such approved travel plan shall be actively implemented for a minimum period from first occupation of the development until one year after final occupation.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as Essex County Council Supplementary Guidance.

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

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as Essex County Council Supplementary Guidance in February 2011