



OFFICER'S REPORT

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| Application Number | 23/00648/FULM |
| Location | Land East of Broad Street Green Road, Heybridge |
| Proposal | Full planning application for a residential development of 281 dwellings, including affordable homes and bungalows, formation of new vehicular and pedestrian access, associated open space, parking and landscaping |
| Applicant | Mr Stuart Willsher - Charles Church |
| Agent | None |
| Target Decision Date | 29.02.2024 (Agreed Extension of Time) |
| Consultation Expiry Date | 28.08.2023 |
| Case Officer | Tim Marsh |
| Parish | Objection |

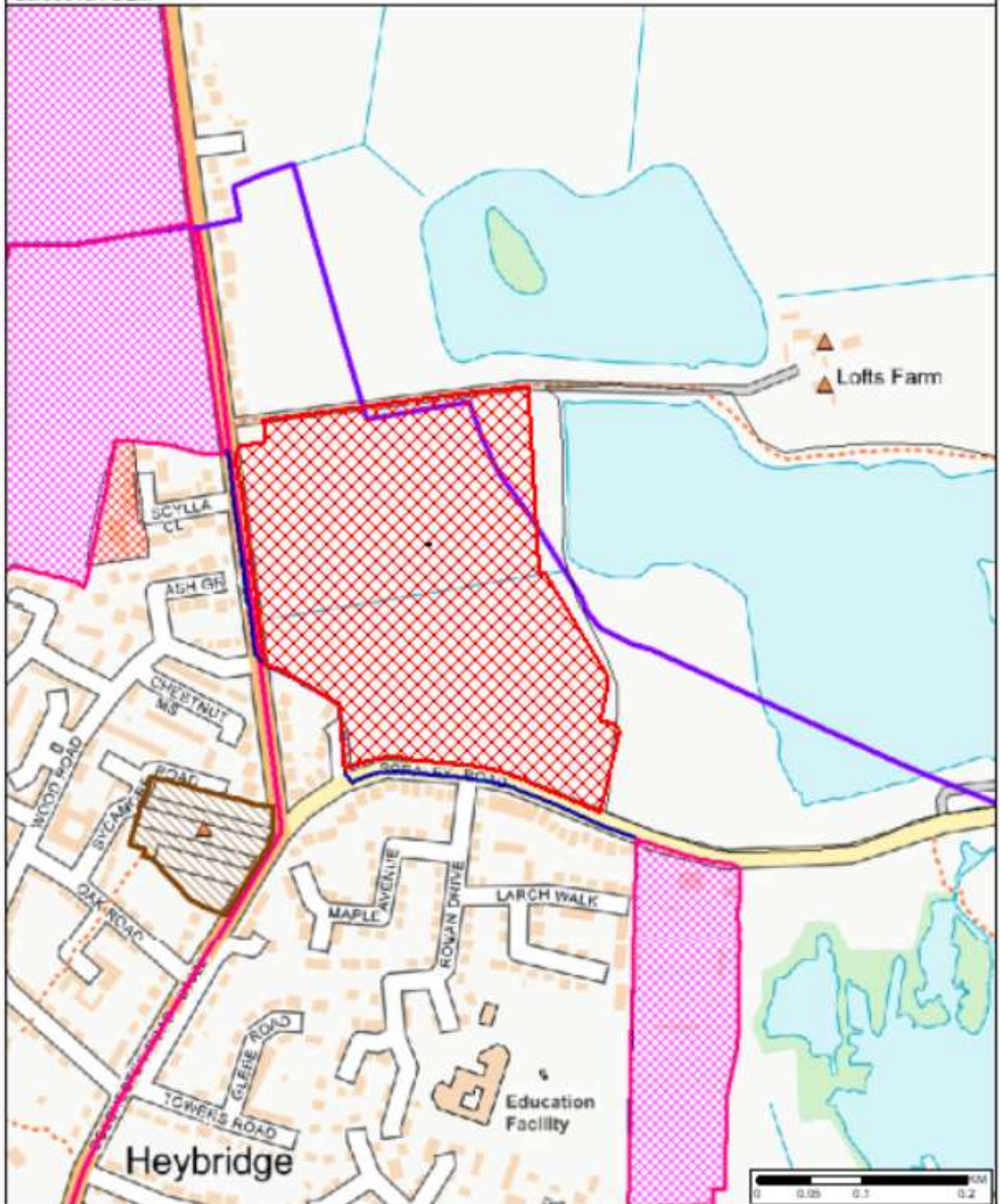
1. **RECOMMENDATION**


REFUSE for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see below.

East of Broad Street Green Rd Southminster
23/00648/FULM



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| | Organisation: | Maldon District Council |
| | Department: | Department |
| | Comments: | District Planning Committee |
| | Date: | 26/10/2023 |
| | MSA Number: | 100018588 |
| | | |

3. SUMMARY

3.1 Site

- 3.1.1 The site comprises of approximately 10ha of agricultural land adjacent to the north eastern edge of the existing built up area of Heybridge. The land is predominantly flat with a slight fall of approximately 1m from its NW corner to the middle of the site. It is bounded by mature and semi mature hedges along its southern boundary with Scraley Road and western boundary with the B1022 Road at Broad Street Green. Heybridge Swifts Football Club is located to the southeast. There is a parcel of existing housing adjoining the south western corner of the site. The northern boundary is an open sided track to Lofts Farm where there are two grade II listed buildings. The track is also a public right of way that connects the North Heybridge Garden Suburb to a range of nature conservation sites and the coastline. In the north west corner of the site on Broad Street Green is a small modern church.
- 3.1.2 The eastern boundary is not marked by a clear feature but is close to and set back by approximately 15m from the alignment of mature planting around the edge of one of two lakes, beyond which is open farmland. Proposed development on the southern part of the site is set back increasingly further from a second lake. These lakes form part of the designated Local Wildlife Site (Chigborough Lakes) which extends eastwards. Another lake to the north of the site, Lofts Farm Pitt is a SSSI.
- 3.1.3 North of the site is a line of ribbon development along Broad Street Green Road and opposite this on western side of road is new residential development and development under construction on land allocated for housing in the LDP as part of the North Heybridge Garden Suburb.

Proposal

- 3.1.4 This application seeks full planning permission for residential development of 281 dwellings, including 112 affordable homes and 14 bungalows, formation of new vehicular and pedestrian access, associated open space, parking and landscaping including enhanced site boundaries.
- 3.1.5 The application is one of two submitted at the same time by the same applicant. The other application (reference seeks 23/00649/FULM seeks permission for use of adjoining land to the east land as offsite biodiversity, landscaping and drainage areas in connection with the proposed development subject of this application.
- 3.1.6 The main features of the proposed development subject of this application are summarised below:

Housing

- Proposed dwellings designed to reflect the varied range of architectural styles and characteristics of buildings found in the village, such as 50 degree pitched roofs, varying eaves and ridge heights, projecting gables with either sliding sash or casement window arrangements.

- Proposed dwellings between 1.5 to 2.5 storeys in height, with a variety of eaves and ridge levels aimed to break up the overall perceived scale of the development and to emulate the historic buildings elsewhere in Maldon and Heybridge.
- Finishing materials including: Forterra Village Harvest Multi Brick; Forterra Cumber Red Brick; Forterra Woodside Mixture Brick; Light Grey Cladding; Oyster White Cladding; Jet Black Cladding; Grey Roof Tile; Red Roof Tile and Brown Roof Tile.

Access and movement

- A single access on Broad Street Green Road as a simple priority junction leading to the principal street that runs through the development.
- A central spine road connecting back to the site access incorporated with tree planting, green verges and a cycle link.
- A hierarchy of roads and streets including principal streets 5.5m wide with 1 x 2m footway and 1 x 3.5m shared footway/cycleway, shared surface streets and private driveways for approximately five dwellings.
- Several secondary pedestrian and cycle accesses.
- Improved pedestrian access and crossing facilities on the streets surrounding the site.
- A 30mph speed limit in the vicinity of the site (subject to a Traffic Regulation Order and an independent process to the planning application)
- In addition to the main access on to Broad Street Green, further pedestrian accesses are provided along Broad Street Green, as well as on to Scraley Road and the open space to the west.
- Beyond the site entrance, permeable bonded gravel to define the shared surface and create an informal highways strategy.
- Relocation of the southbound bus stop south and provide an enhanced provision including bus shelter and raised kerb with the route from the north extended to the new bus stop location.
- Parking in accordance with the parking standards set out in the adopted Vehicle Parking Standards 2018.
- Cycle parking in accordance with the standards, at a level of one space per dwelling, in internal, secure areas or private rear gardens with sufficient space for storing cycles for the houses.

Public Open Space and Landscaping

- Approximately 25% of the site retained as soft landscaping, including a central corridor open space with a LEAP, and open space (outside application boundary) to the east of the site all maintained by a private management company.
- Significant areas of soft landscaping throughout, including in the form of front gardens and grassed verges.

Background

- 3.1.7 This application has been made following the Council's call for sites as part of the ongoing review of the Maldon District Local Plan, and identification of the land as a potentially suitable location for housing (MAL/HY4 - Heybridge) in the Council's Housing and Economic Land Availability Assessment (HELAA) January 2022.

- 3.1.8 A request for a screening opinion (Application Ref: 15/00427/SCR) for a significantly larger development of 350 dwellings on a larger site of 14.1 ha was issued in May 2015. In April 2022 a scoping opinion for an EIA was issued under application no 22/00104/SOR. The site subject of this scoping opinion includes both the application site and the adjoining land subject of its accompanying application reference 23/00649/FULM as off-site biodiversity (see paragraph 3.1.5 above).
- 3.1.9 In accordance with the EIA Regulations the application is accompanied by an Environmental Statement prepared pursuant to the scoping opinion issued under 22/00104/SOR including separate reports covering all potential impacts of the development.
- 3.1.10 The Environmental Statement concludes, inter alia, that there would be limited significant adverse effects associated with either the construction or operation of the proposed development. However it does state that the development will have an impact on the Landscape and Townscape as a consequence of the pre-existing site being clear of any development but that the effects after 15 years once planting has established and grown out, would be mitigated to generally non-significant levels, although some moderate to major effects would be present on some viewpoints and immediate neighbouring residential properties. It also states that where environmental effects have been identified, appropriate mitigation measures are recommended to minimise these effects to acceptable, non-significant levels.
- 3.1.11 In addition to the Environmental Statement the application is supported by the following documents:
- Design Manual
 - Design And Access Statement
 - Arboricultural Impact Assessment
 - Health Impact Assessment
 - Land Contamination Assessment
 - Planning Statement Including Affordable Housing Statement and Statement of Community Involvement
 - Sustainability Statement

3.2 Conclusion

- 3.2.1 The application site is not allocated for development in policy S2, and the scale of the proposed development significantly exceeds that planned for in the Maldon LDP. Notwithstanding this the proposed development would provide some benefits and in terms of the planning balance the position is as follows.
- 3.2.2 In economic terms the proposal would create some new job opportunities associated with temporary jobs during construction.
- 3.2.3 In social terms the proposed new dwellings would provide 112 new affordable homes and thus make a significant contribution to the supply of housing in the District, with a variety of sizes and types including bungalows. Although the Council can now demonstrate a five year housing supply, the District still has a shortfall of affordable housing of which the proposal would provide 112 affordable homes and thus make a significant contribution towards and help to address this shortfall. It would also encourage a churn of existing housing in the District.

- 3.2.4 The applicant has agreed there is a need for financial contributions to fund the provision of extra school spaces to meet the demand for additional places generated by proposed residential developments over and above that planned for in the LDP. In response to the sustained need for additional Secondary School places in the area a project to provide an additional 60 places per year, from September 2024, is planned by ECC Education as is a new Primary school at Limebrook way or at Westcombe Park to ensure sufficient long-term capacity.
- 3.2.5 In environmental terms the proposal is supported by an Environmental Impact Assessment which states that where environmental effects have been identified, appropriate mitigation measures are recommended to minimise these effects to acceptable, non-significant levels. Whilst significant new public open space and landscaping is proposed and there would be a 43.46% net gain in watercourse biodiversity, this is reliant on off-site habitat creation and the proposal would result in a 33.52% net loss in habitat and over 10 ha of Grade 3 agricultural land. Notwithstanding this the applicant has failed to identify compensatory habits for priority farmland bird species, such as Skylark to the satisfaction of the ECC ecologist.
- 3.2.6 In visual terms the proposal would encroach into the rural setting of the town. However, the harm arising from this would be mitigated to some extent through the 3ha of public open space and substantial new planting. The applicant's LVIA is considered to show that the harm to the landscape associated would not be so significant as to warrant refusal of the application.
- 3.2.7 The proposed layout includes a central area of public open space and four distinct character areas. This layout and the design of the scheme, including house types, and street scenes are considered to be of a suitably high standard, to take account of advice provided on pre-application proposals and therefore to accord with relevant policies and provisions of the NPPF, the LDP and the MDG.
- 3.2.8 The Highway Authority is satisfied that the development would not have a significant or severe impact locally, or on the wider highway network and that the proposals are acceptable in highway and transportation terms, subject to a comprehensive package of mitigation measures for sustainable transport measures, and capacity enhancements on the network, which could be secured by condition and s106 obligations.
- 3.2.9 As far as other matters are concerned, relevant consultees have confirmed that the proposed development is acceptable in terms of, flood risk, drainage, ground conditions, archaeology and other impacts subject to conditions.
- 3.2.10 Whilst the applicant has agreed to enter into a Section 106 Agreement to secure obligations for the provision of affordable housing, education, health, public open space, highways / transport and a RAMS contribution, this has not been signed.
- 3.2.11 This is a major development proposal that was submitted at a time when the Local Planning Authority was not able to demonstrate a five year housing land supply and the tilted balance under paragraph 11d) of the NPPF therefore applied. However the Council can now demonstrate a 5 YHLS and therefore there is no current requirement for unallocated sites to meet a housing need.
- 3.2.12 The application site lies outside of the defined settlement boundary for Heybridge where a presumption against new development applies under LDP policy S8. Although the design and layout of the proposed development is considered to be of

high quality and most consultees conditionally support the application, the site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the LDP to meet the objectively assessed needs for housing in the District.

- 3.2.13 Having taken the above and all other material planning considerations into account the proposed development is considered to be unacceptable on the grounds that it is contrary to Policies S1 and S8 of the Maldon District Local Development Plan (2017) and is recommended for refusal accordingly.

4. MAIN RELEVANT POLICIES

4.1 National Planning Policy Framework 2023 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 60-84 Delivering a sufficient supply of homes
- 47-50 Determining applications
- 55 – 59 Planning conditions and obligations
- 96--107 Promoting healthy and safe communities
- 108-117 Promoting sustainable transport
- 123 – 130 Making effective use of land
- 131 – 141 Achieving well-designed and beautiful places
- 157 – 179 Meeting the challenge of climate change, flooding and coastal change
- 180 - 194 Conserving and enhancing the natural environment
- 195 – 214 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D4 Renewable and low Carbon Energy Generation
- D5 Flood Risk and Coastal Management
- E3 Community Services and Facilities
- E6 Skills, Training and Education
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 During the course of consideration of the application the following Heads of Terms for a Section 106 Agreement have been provisionally agreed:

- 40% Affordable Housing – type, and tenure;
- Open Space provision and maintenance;
- Education contribution;
- Healthcare contribution;
- Essex Cost Recreational disturbance Avoidance and Mitigation Strategy Tariff; and
- Highway mitigation, measures for sustainable transport measures, and capacity enhancements on the network.

4.4.2 Pursuant to the above if the application were to be approved, various improvements to the attendant infrastructure including for education, health, affordable housing and highways / transport infrastructure would be required accordance with the consultees' recommendations. The key requirements specified by the consultees are summarised below.

Education

4.4.3 Essex County Education have advised that the development would generate the need for an additional 30 Primary School places. The developer has agreed to make a financial contribution of £1,074,933.00 (index linked) as specified by Essex County Education for providing these extra spaces at existing primary schools. However in seeking this contribution the Education Authority have emphasised that forecasts suggest a growing demand for places across the wider area (Maldon Group 2) with a need for an extra 51 Reception places by the end of the period. It is also recommended that around 5% of places remain unfilled to facilitate mid-year admissions and offer a degree of choice. To ensure sufficient long-term capacity. Reference is also made to a new school being planned at Limebrook way and that ECC also have the option of land for a further new school at Westcombe Park.

4.4.4 The nearest secondary school is the Plume in Maldon and the developer has agreed to make a financial contribution of £475,500 (index linked) to mitigate the impact of the development on local Secondary School provision. In seeking this financial contribution Essex County Education have advised that forecasts demonstrate a sustained need for additional places in the area and that a project to provide an additional 60 places per year ,from September 2024, is planned.

- 4.4.5 With regards to other education facilities a financial contribution of £21,861.80 (index linked) as specified by Essex County Education is required for improving, enhancing and extending existing facilities and services provided at Maldon Library. An Employment and Skills Plan (ESP) is also required to set out how the developer will engage with and maximise local labour and skills opportunities.

Health

- 4.4.6 The NHS have advised that the capacity of primary healthcare facilities in the area of the proposed development are already below the recognised standards of provision for the existing population and that additional population growth from the new development would add to the deficit and so would be unsustainable if unmitigated.
- 4.4.7 The NHS has advised that the Blackwater Medical Centre and Longfield Medical Centre have a shortfall of 894.80 sqm in capacity and a financial contribution of £139,300 would be required to create the additional primary care floorspace for supporting the population arising from the proposed development.

Affordable Housing

- 4.4.8 The affordable housing officer supports the application and has confirmed that the proposed 40% affordable housing provision meets the Affordable Housing Policy requirement for both percentage of Affordable Housing/tenure split, will provide properties that will be NDSS/M4 (3) compliant, provide bungalows for older/disabled people and much needed 3 and 4 bed rented properties for larger families.

Transport

- 4.4.9 The Highway Authority consider the Transport Assessment to be robust and they are satisfied that the development will not have a significant or severe impact on highway safety. They therefore conditionally support the proposed development subject to conditions and the following key infrastructure improvement requirements that would need to be secured through the s106 Agreement:
- Offsite highway works, as shown in principle on Lime Transport drawing no. 21134-OS-101-01 Rev A, fully implemented and retained for the life of the Development.
 - Relocation of the existing southbound Scylla Close bus stop and provision of bus cage markings, a shelter, with integral Real Time Passenger Information, raised kerbs, pole and flag on the eastern side of Broad Street Green Road with appropriate footway and hardstanding.
 - A 3.5m wide pedestrian cycle access, and connection, into the south of the site from Scraley Road.
 - A contribution of up to £2,800,000 for strategic and local infrastructure identified in this Council's Infrastructure Delivery Plan, towards highway capacity improvements, or sustainable travel measures, as considered necessary, across the Garden Suburbs.
 - A contribution of up to £750,000 for Passenger Transport improvements for bus services from Witham, Colchester and Maldon.

- Extension of the 30mph speed limit from its existing position to the north of the junction with Scraley Road, northwards along Broad Street Green Road.
- A zebra crossing on Broad Street Green Road to the south of the proposed site access.

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 planning decisions to be made in accordance with the Development Plan 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 Under Paragraph 77 of the National Planning Policy Framework, the Council as the Local Planning Authority (LPA) for the Maldon District is expected to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. To this end, Maldon District Council prepares and publishes a 5 Year Housing Land Availability Report, annually, following the completion of the development monitoring activities associated with the Local Development Plan 2014-2029's plan monitoring period of 1 April to 31 March.
- 5.1.3 Following a review into the suitability of the 5YHLS methodology through its 5YHLS working group established in August 2022, the Council has confirmed that the official 5YHLS for the District of Maldon now stands at 6.35 years, updating the previous official position for 2021/2022 of 3.66 years. This means that the Council's presumption in favour of sustainable development position against paragraph 11 d) footnote 8 has changed as the Council can now demonstrate a 5YHLS. However, whilst the policies in the plan have now regained their status due to the improved 5YHLS figure, it should be noted that this is not a ceiling to development as maintaining a minimum of a 5YHLS is reliant on a balance of delivery of housing on the ground and approval of new permissions. Notwithstanding this, the Council is now in a robust position in its consideration of new development, particularly where the benefits against the harm are to be weighed up in terms of sustainability (in terms of the NPPF, and the LDP), the provision of the most suitable types of housing for the district, impact on the countryside, heritage and protected sites, and the provision of appropriate levels of infrastructure. Since the Council can demonstrate a 5YHLS there is no current requirement for unallocated sites to meet a housing need.
- 5.1.4 LDP 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 apply 14 key principles in policy and decision making set out in the Policy. These include principle 2 "*Delivering a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*".
- 5.1.5 LDP Policy S2 confirms that Heybridge is a sustainable location for new development in allocating land for strategic growth. However it states, inter alia, that significant infrastructure constraints exist which will strictly limit the capacity for growth in

Maldon, Heybridge and Burnham-on-Crouch in excess of that set out in the policy and that any proposal for development in excess of the allocations set out in Policy S2 will need to demonstrate to the Council's satisfaction that:

- *It will not prejudice or delay the delivery of the Garden Suburbs, Strategic Allocations, or planned infrastructure improvements; and*
- *There will be sufficient infrastructure capacity to support the development.*

5.1.6 The application site is not allocated for development in policy S2, and the scale of the proposed development significantly exceeds that planned for in the Maldon LDP.

5.1.7 It follows from this that if the proposed development were to proceed in advance of development planned for in the LDP it would take up limited infrastructure capacity intended to serve that development and thereby prejudice its delivery. Moreover, there is uncertainty regarding the capacity of the strategic infrastructure necessary to serve such unplanned development. This was highlighted by the Inspector in his Report to the Secretary of State on the Examination of the LDP in 2017. Paragraph 180 of his report is particularly pertinent in stating that (my emphasis):

"It is clear to me that highways and school's capacity in Maldon and Heybridge, and the capacity of schools in the Burnham and Southminster grouping, is a significant constraint to new residential development above that proposed through the allocations in Policy S2. There is no evidence that a greater level of housing could be satisfactorily accommodated. I have considered the necessity for unequivocal 'caps' to explicitly prevent any further housing. However, in the absence of any clear evidential basis, that course would not be adequately justified. Rather, it is more appropriate in my view to ensure that any additional residential development is strictly limited".

5.1.8 The revision in December 2023 to paragraph 7 of the NPPF is considered to highlight the importance of this limited highway and school capacity in assessing the acceptability of the proposal in principle. This is because paragraph 7 now reads: *"The purpose of the planning system is to contribute to the achievement of sustainable development including the provision of homes, commercial development and supporting infrastructure in a sustainable manner"*.

5.1.9 Policy S8 of the LDP steers new development towards the existing urban areas. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. These specified purposes do not include new build general residential properties as is proposed.

5.1.10 In considering the principle of development on the application site it is necessary to explain the position with a similar application for a large scale housing development on land North of The Groves Latchingdon (application reference 22/01174/OUTM recommended for conditional approval but refused by the District Planning Committee on 14th June 2023. That decision is the subject of an appeal currently being considered at a Public Inquiry.

5.1.11 In summary the basis for the favourable recommendation was the proposal's significant contribution to maintaining the 5YHLS, help in addressing the shortfall in affordable housing and the provision of a significant amount of new public open space. However, the Committee resolved that, by reason of its location outside of the settlement boundary the development did not represent sustainable development

and accordingly the adverse impacts outweighed any benefits of the development contrary to LDP policies S1, S2, S8, D1 and H4.

- 5.1.12 Following the Committee's decision to refuse application 22/01174/OUTM, in October 2023 Officer's obtained Counsel's legal advice on the 5YHLS Statement, and in response to arguments put forward that MDC had erred in its approach to the review of its Local Plan. Although that Counsel's opinion is subject to legal privilege and remains confidential it serves to confirm that the latter is not the case (i.e. MDC did not err in its approach) and more significantly, that the tilted balance under paragraph 11 d) of the NPPF no longer needs to be applied for sites which are not allocated for development, fall outside any defined settlement boundary and are contrary to policies of the approved Maldon District Local Plan. Counsel's advice is thus a significant material consideration that was not available when the officer's report on application 22/01174/OUTM was written (shortly after the Council confirmed it had a 5YHLS). The revisions to the NPPF, including paragraph 7 (see 5.1.8 above) are also an important new consideration that was not applicable at the time the report on application 22/01174/OUTM was written.
- 5.1.13 Although Heybridge is a sustainable settlement, its future growth is planned in the LDP on other more suitable sites allocated for development under policy S2 of the LDP. The application site is not allocated and is located outside of any defined settlement boundary in the LDP and the presumption in favour of sustainable development under paragraph 11 d) no longer applies because the Council is able to demonstrate more than 5 years housing land supply. Therefore under the terms of the PCPA 2004 and the TCPA1990 cited above and taking into account the October 2023 Counsel's advice and the revisions to the NPPF, in order to be supported there must be material considerations of such significance as to justify granting permission contrary to the LDP. As explained further under the relevant headings below, with the exception of ecology the proposal does not raise significant issues that could not be addressed satisfactorily by condition. However, there are no material considerations of such weight as to justify a recommendation for approval contrary to the Development Plan. Therefore the proposed development is unacceptable in principle.

5.2 Housing Need

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need and the Local Housing Needs Assessment (2021) (LHNA) is an assessment of housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and NPPG and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.
- 5.2.2 The LHNA (2021) concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

Market Housing

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

- 5.2.3 A key component of the Planning system, including guidance contained within the NPPF, is that the right type of housing is delivered for the community. Pursuant to this the Council seeks to deliver a range of homes in terms of sizes that will contribute to the creation of mixed, inclusive and sustainable communities. It is important to ensure the District's housing stock provides for a wide range of housing needs and offers choice. As detailed in the figures above the proposed mix for the market housing would meet this requirement.

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 is located in an area identified in the approved LDP where 40% of the units would need to be affordable to comply with the requirements of Policy H1. In accordance with this policy the proposal would provide 112 affordable dwellings on the site.
- 5.3.2 Annex 2 of the NPPF defines Affordable Housing as "housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)".
- 5.3.3 Access to good quality and affordable housing is a significant issue for residents of the District. Building new homes that are genuinely affordable for residents is a key priority for the Council. The increased cost of day to day living can lead to competing issues like fuel poverty and access to healthy food and it is likely that the number of people needing affordable housing in the District is likely to have grown since the adoption of the LDP. Furthermore, it is acknowledged that residents are experiencing affordability problems arising from the relationship between local incomes and the realistic supply of the cheapest housing available.
- 5.3.4 The site falls within the sub-area of Northern Rural where there is a requirement of 40% Affordable Housing. The Local Housing Needs Assessment 2021 identifies a tenure split of 75% Affordable/Social Rented and 25% Intermediate Housing. The Government is now proposing First Homes as an Intermediate Housing product and if this option of Intermediate tenure is pursued, the Council would agree to the Government's criteria set for this form of Affordable Housing.
- 5.3.5 The Local Housing Needs Assessment 2021 identifies a tenure mix of 75% Affordable/Social Rented and 25% Intermediate Affordable Housing. The breakdown of sizes Affordable units is as follows –

Affordable Housing

Affordable Ownership

- 1 bed - 15-25%
- 2 bed - 35-45%
- 3 bed - 25-35%
- 4 bed+ - 5-15%

Affordable Rented

- 1 bed - 30-40%
- 2 bed - 30-40%
- 3 bed - 20-30%
- 4 bed+ - Up to 10%"

Also stipulated in this document is the need to consider requiring all tenures to meet the M4(2) standards as a starting point - which are similar to the Lifetime Homes Standards - and at least 10% of homes meeting Part M4(3) – wheelchair user dwellings (with a higher percentage for affordable housing)." and with regards to sizes of units.

5.3.6 The Applicant has proposed the following Affordable properties following discussions with Strategic Housing –

- Affordable Rented

- 16 x 1 bed 2 person apartments
- 14 x 1 bed 2 person Bungalows
- 18 x 2 bed 4 person apartments
- 11 x 2 bed 4 person Houses
- 21 x 3 bed 5 person houses
- 4 x 4 bed 6 person houses – social rent.

Total 84

- Intermediate Affordable (First Homes)

- 7 x 1 bed 2 person apartment
- 21 x 2 bed 4 person apartments

Total 28

- The Applicant has confirmed all Affordable properties will be to NDSS sizes, the 4 bed rented houses will be let at Social Rent to aid affordability, the 1 bed rented bungalows will have wet rooms/showers and the ground floor rented apartments/1 bed bungalows/ground floor rented 2 bed flats and 3 x 2 bed houses will all be built to M4 (3) standards.
- With regards to the 0.4 of the 112.4 Affordable properties, the applicant has agreed to provide a Commuted Sum for this element.

5.3.7 The Housing Team have advised that the provision summarised above meets the Affordable Housing Policy requirement for both percentage of Affordable

Housing/tenure split, will provide properties that will be NDSS/M4 (3) compliant, provide bungalows for older/disabled people and much needed 3 and 4 bed rented properties for larger families.

5.3.8 The s106 Agreement would need to be agreed to ensure that the above provisions are met and that:

- 25% of the affordable home ownership products would be provided as First Homes to meet the requirements of the NPPF.
- The gross costs of the affordable units (rent/service charge) will be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association who are recognised and regulated by Homes England and eligible for funding from Homes England.

5.4 Access, Parking and Highway Safety

5.4.1 The site is in a sustainable location 1km N of a range of facilities and services in Heybridge Town Centre and 2km NE of more facilities in Maldon Town Centre. There are also regular buses services on Broad Street Green Road between to Maldon, Witham, and the train station in Witham.

5.4.2 A pavement on the opposite side of Broad Street Green links to wider pedestrian routes including the primary school 780m distant, supermarket 970m, and the Plume secondary school 3.0km. There are various services and facilities in the Heybridge including a doctors and hospital, shopping and employment sites. Scraley Road is a small rural lane until it meets the houses opposite the site, the pavement does not start until this point. The site is within walking distance of shoppers and commuter bus services.

5.4.3 The main single point of vehicular access is proposed as a simple priority junction leading to a 5.5m wide principal street with a 2m footway on one side and a 3.5m wide cycleway/footway on the other. Other roads including minor access and private drives are proposed to be shared surface.

5.4.4 Parking is proposed in accordance with the adopted Vehicle Parking Standards 2018. It is proposed that 1-bed dwellings have one parking space each and the 2+bedroom dwellings have a minimum of two parking spaces. Cycle parking is also proposed to meet with the standards, at a level of one space per dwelling, in internal, secure areas or private rear gardens with sufficient space for storing cycles for the houses.

5.4.5 It is proposed to improve pedestrian access and crossing facilities on the streets surrounding the site, including:

- a dropped kerb crossing on Broad Street Green south of the site access to connect to the existing footway on the west side of Broad Street Green and south towards Heybridge and Maldon;
- a dropped kerb crossing on Broad Street Green to the north of the site access to provide a route to the northbound bus stop;
- a dropped kerb crossing on Scraley Road to provide a route connecting to connecting to the existing footway on the south side of Scraley Road and south into Heybridge and Maldon; and

- relocation of the southbound bus stop and provision of a bus shelter and raised kerb with the route from the north extended to the new bus stop location.

5.4.6 Essex County Council as Highway Authority have confirmed that the proposals summarised above are acceptable in terms of Highway Safety. They have also confirmed that the Transport Assessment (TA) has analysed the impact of the traffic generation, to their satisfaction and that the proposal is not considered to have a significant or severe impact at this location, or on the wider highway network subject to conditions and requirements for financial contributions that would need to be secured through a s106 agreement.

5.4.7 On the basis of the above, it is considered that subject to these recommended highway conditions and s106 provisions being met, the proposals accord with the requirements of LDP policies T1 and T2 and are acceptable in terms of highway safety and accessibility.

5.5 Layout and Design including 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 Section 12 of the NPPF, paragraph 131 of which states that:

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

Paragraph 139 also states that:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes...”

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:-

- 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.

- 5.5.3 LDP policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of any original buildings and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.5.4 More detailed provisions supplementing the above requirements for high quality design and appropriate layout, scale and detailing of development are set out in the Maldon District Design Guide (2017).
- 5.5.5 The proposed layout has been arrived at following pre-application discussions and the support expressed for a landscape led layout. The proposed layout reflects this and features a large central corridor of open space that seeks to retain existing long distance views of the adjacent fishing lakes and wider countryside. Also in response to pre-application advice a range of different character areas are proposed and include a “Core”; “Village Green”; “Village Edge”; and “Retirement Community”. Proposed density, design and materials vary across the four character areas. The proposed layout, the house type designs, landscaping and open space are all considered to meet relevant requirements for high quality layouts and other relevant provisions of the Maldon District Design Guide (MDDG) as summarised below.
- The appearance of the development responds to its surroundings, reflects local character and would be integrated with its surroundings via a variety of pedestrian and cycle links. Buildings face the street to create enclosure and active frontages, car parking is not dominant, and a variety of green spaces are proposed MDDG (C01 and C 10).
 - The development relates positively to existing natural features including the existing adjacent lake and proposals for the adjoining land to the east subject of application 23/00649/FUL to offsite biodiversity, landscaping and drainage areas in connection with the proposed development subject of this application MDDG (C02).
 - The single main site access onto Broad Street Green Road has been proposed in accordance with advice provided by the Highway Authority and there is a hierarchy to the proposed streets in terms of width and use of shared surfaces in accordance with MDDG (C03). Provision is made for buildings to create an active frontage onto proposed areas of public open space.
 - Streets and spaces are defined and enclosed taking into account the height and width of buildings MDDG (C04).
 - 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. MDG (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 LEAP meets with these requirements being centrally located within the main area of new public open

space and would form an accessible and attractive feature within the development.

- The development responds to the existing pattern of development in terms of block sizes, and the relationship between the built and non-built private space. There is a clear distinction between public and private spaces and spaces between buildings. The proposed density is appropriate to the location and the character of Heybridge. MDDG (C12 and C 13).
- The proposed form, massing and proposed materials and detailing would provide the development with its own identity, and which responds to the existing character MDC (C 14).
- Corner spaces are well defined with good continuity of the street and building frontage MDC (C 15).
- As far as practicable and with the support of the Council's housing team a variety of needs have been taken into account MDC (C 16).
- Potential noise nuisance and overshadowing have been taken into account MDC (C 17).
- The proposed house designs reflect existing buildings within the locality in terms of layout, window-to-wall ratio, proportions, and placement of windows and doors MDC (C 18).
- The edges of the development are well defined generally with strong building frontages, existing or proposed planting and avoidance of close boarded fencing MDDG (C19)

5.5.6 For the reasons summarised above the proposed development is considered to be of a suitably high standard of design and to accord with the relevant provisions of section 12 of the NPPF and LDP policies D1, D2 and H4 accordingly.

5.6 Landscape and Visual Impact

5.6.1 LDP Policy D1 requires all new development to respect and enhance the character and local context and make a positive contribution in terms of inter alia, c) landscape setting, townscape setting and skylines.

5.6.2 The site is bounded to the north by the access track to Lofts Farm, to the east by naturalised lakes created from former worked out sand and gravel pits. The south and western boundaries adjoin roads with residential development beyond at the existing edge of Heybridge and as such the site is only partially contained such that development would clearly impact on the character of the landscape setting to Heybridge.

5.6.3 In assessing the significance of the impact of the development on the landscape it is necessary to refer to the Essex Landscape Character Assessment LCA (2006), the Site falls partly within 'A7 Lower Chelmer River Valley' (the west of the Site) with the remainder in 'D2 Maldon Drained Estuarine Marsh'.

5.6.4 The key characteristics of 'A7 Lower Chelmer River Valley' are identified in the LCA as:

- Shallow valley;
- Predominantly arable farmland on the valley slopes.
- The Lower Chelmer where it meets the River Blackwater has gentle valley sides.
- Overall strong sense of place and tranquillity away from Maldon and the A12 and the railway line.

5.6.5 Lower Chelmer River Valley LCA A7 has a relatively high sensitivity to change, and its relevant key sensitivities are described in the LCA as:

“Sensitive key characteristics and landscape elements within this character area include linear poplar and willow plantations and pockets of wet alder/willow woodland, which are sensitive to changes in land management. The overall sense of tranquillity throughout the character area would potentially be affected by new development. The skyline of the slopes of the lower valley are moderately visually sensitive, with open (and occasionally panoramic views) gained to and from the river corridor, which could be affected by new development. There is a sense of historic continuity resulting from water meadows along the river valley and a historic dispersed settlement pattern of scattered farmsteads and isolated manors with some isolated hamlets. Wildlife habitats are scattered throughout the area (including 10 sites of importance for nature conservation, comprising ancient woodland, running water, wetland and grassland). Overall, this area has relatively high sensitivity to change.”

5.6.6 Suggested landscape planning guidelines include:

Manage the traffic flows along the minor roads especially those not suitable for HGVs and lorries due to narrow bridges..

- Ensure that new built development is in keeping landscape character.
- Conserve and enhance the landscape setting of settlements
- Enhance the screening of the A12 and the railway line.

5.6.7 The key landscape characteristics Landscape Area Maldon Drained Estuarine Marsh LCA D2 are identified in the LCA as:

- Drained coastal marsh landscape, now isolated from tidal influences.
- Scrubby, often gappy hedgerows or random copses, mainly near farmsteads. Absence of woodland.
- Flat arable farmland behind the coastal marshland.
- Dispersed isolated farmsteads.
- Urban/suburban influence of Maldon on eastern edges of the character area.

5.6.8 Maldon Drained Estuarine Marsh LCA D2 has a ‘moderate to high’ sensitivity to change and its relevant key sensitivities are described as:

“Sensitive key characteristics and landscape elements within this character area include drained coastal marsh, drainage ditches, dykes and the sea wall, (which are sensitive to changes in land management). The open nature of views from the sea wall are visually sensitive, however, several vertical elements (including Bradwell power station) are also visible within views. There is a sense of historic integrity, resulting from visible historic sea walls and a dispersed historic settlement pattern. The area also contains several

internationally and nationally important sites for wildlife (in particular, wildfowl)”.

5.6.9 Suggested landscape planning guidelines include:

- Ensure that any new development responds to historic settlement pattern and scale, and uses materials that are appropriate to the local landscape character. Such development should be well integrated into the surrounding landscape.
- Ensure that sites no longer used for gravel extraction are sensitively restored to reflect the local landscape character and are well integrated into the surrounding landscape.
- Conserve the mostly rural character of the area.
- Ensure that new farm buildings are sensitively designed and located within the landscape to accord with existing character. Conserve panoramic long distance views to adjacent character areas of drained and open estuarine marsh.

5.6.10 The application is supported by a comprehensive Landscape Character Assessment as part of applicant’s Environmental Statement . This concludes at paragraph 15.7 that:

“The development will have an impact on the Landscape and Townscape as a consequence of the pre-existing site being clear of any development. The significance of effects are most prominent during the construction period (up to substantial adverse on receptors closest to construction activities). However, these are temporary occurring across the construction period. During operation, effects after 15 years once planting has established and grown out, impacts are mitigated to generally non-significant levels. Some moderate to major effects will be present on some viewpoints and immediate neighbouring residential properties”.

5.6.11 The LVIA is considered to provide a sound assessment of the landscape and visual impacts of the proposal. This includes an acknowledgement that during the temporary construction phase, there would be significant adverse effects. However, it is also the case that by the summer of year 15, these effects should be reduced to “Not Significant”, except in some positions along parts of the western sides of the lake edge adjacent to the Site. Having regard to the mitigation of harm that would be provided through the 3ha of public open space, substantial new planting, and the tree officer’s conditional support, the proposed the LVIA’s conclusions are accepted and on this basis it is considered the proposal would accord with the relevant provision of LDP policy D1 and the NPPF in so far as can reasonably be expected for a development of the scale proposed.

5.7 Residential Amenity

5.7.1 LDP policy D1 requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces and the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwelling. LDP Policy D1 also seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). LDP Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

- 5.7.2 The proposed dwellings would not impact on the amenity of existing housing on the southern side of Scraley Road due to the presence of the road, retained hedgerow and set back of the new dwellings behind proposed new site roads. For similar reasons they would not impact on the amenity of existing housing on the western side of Broad Street Green. There are three existing dwellings abutting the site and two of these are set behind their own site road, retained hedgerows and behind proposed new site roads. As is the case with the aforementioned existing housing these dwellings also have their public front elevations facing toward the proposed development.
- 5.7.3 The existing residential property potentially the most affected is No 11. However this dwelling is orientated with its private rear garden set to the west and is screened by a retained hedgerow with the dwelling's northern gable set against the site boundary. The proposed dwellings on plots 221 and 222 and associated parking are closest to this property. The rear elevations to these proposed dwellings are approximately 16m from the neighbour's northern gable and a NW facing conservatory in its rear garden. This arrangement is considered to provide a satisfactory level of amenity for existing and potential new residents owing to the orientation of the existing dwelling and the presence of the retained boundary hedgerow.
- 5.7.4 The remainder of this short boundary adjoining existing housing is a vacant area of land which adjoins a proposed parking court to serve a terrace of 3 dwellings on plots 216-217 and a semi-detached dwelling on plot 219.
- 5.7.5 In terms of the interrelationship between the proposed dwellings, these are acceptable, providing adequate levels of separation and siting sufficient to ensure satisfactory levels of residential amenity are achieved. However there is potential for unacceptable levels of overlooking from some side elevations of dwellings into neighbours' rear gardens such as plot 23 into the neighbouring garden of plot 41, although currently a blank gable in such instances it would be necessary to remove PD rights for new windows and where windows are proposed for these to be obscure glazed.
- 5.7.6 Concerns have been raised by third parties in relation to noise pollution. Whilst there would be some disturbance during construction, this could be managed through a condition requiring a Construction Management Plan and limits on construction hours under other legislation.

5.8 Private Amenity Space

- 5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, specifically a minimum of 100sqm of private amenity space for dwellings with three or more bedrooms and 50m² for one and two bedroom units.
- 5.8.2 The proposed dwellings include one, two, three and four bedroom dwellings and the proposed plans provide for private amenity areas in excess of the required 50sqm and 100m² for each plot in accordance with these requirements where they are applicable.
- 5.8.3 In the case of plots 50-63 these are 1 bedroom bungalows and plots 64-71 and 42-49 are 1 bedroom apartments and are proposed to be served by a centrally positioned 1311sqm communal space which is considered to be appropriate and acceptable for

the type of accommodation proposed. Similar communal private amenity spaces proposed for other apartment blocks are also considered to be appropriate, acceptable and to provide satisfactory levels of outdoor amenity space for the smaller sizes and types of accommodation they are proposed to serve.

5.9 Surface and Foul Water Drainage

- 5.9.1 The site is located within Flood Zone 1 but due to outdated catchment hydrology and insufficient representation of watercourses, lakes and other hydrological features the applicant's drainage consultants undertook a new hydraulic model for the site. The new model includes updated hydrological estimation and hydraulic modelling of Spicketts Brook, Catchpole Brook and lakes and demonstrates that the site remains within Flood Zone 1. Section 11 of the applicant's EIA that deals with Flood Risk therefore concludes that the site would remain flood-free during the worst-case 1 in 1,000-year event, due to the large amounts of attenuation provided by the lakes in proximity to the site. The FRA also concludes that the development would be safe, without increasing flood risk elsewhere and that a positive reduction in flood risk would be achieved through the attenuation of surface water flows generated by new hardstanding and discharge of surface water from the site at a restricted discharge rate.
- 5.9.2 Essex County Council's Drainage Team as the Lead Local Flood Authority do not dispute these conclusions and have confirmed that the proposal is acceptable in drainage terms subject to the recommended conditions. It is proposed that the surface water for the whole site (i.e. the application site and the adjoining drainage / biodiversity area) will be offered for adoption with Anglian water, but if the site drainage remains a private network, it is proposed to be managed and maintained by a management company.
- 5.9.3 In terms of foul drainage the proposed network consists of multiple outfalls via gravity into an existing adopted Anglian water public sewer network. The on-site foul network is proposed to convey internally by gravity except where one single pumping station will be required to cater for some of the dwellings. It is proposed that the flows from these dwellings which could not be connected to an outfall via gravity would be pumped via a rising main to another segment of the mid foul network which can discharge via gravity to an outfall on one of Anglian Water's existing sewers.
- 5.9.4 The foul water network will be offered for adoption to Anglian water subject to their agreement and a successful S104 agreement being signed. The development is in the catchment of Maldon Water Recycling Centre which Anglian Water has the capacity to treat the foul waterflows from the proposed development. No new buildings are proposed within the easements to Essex and Suffolk's mains pipes as these are situated within Scraley Road and Broad Street Green Roads where the proposed new access would connect with the adopted highway.
- 5.9.5 In terms of surface and foul water drainage the proposal therefore accords with LDP policy D5 and related relevant provisions of Section 14 of the NPPF.

5.10 Ecology and Biodiversity

- 5.10.1 LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.

- 5.10.2 LDP Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.10.3 LDP Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.10.4 LDP N2 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.10.5 The County Ecologist objects to the application due to insufficient ecological information having been provided on Priority Species (farmland birds – Skylark). Their objection is being sustained taking into account the applicant’s stated intention to provide compensatory off-site habitat for Priority farmland bird species, such as Skylark by means of compensatory plots on neighbouring arable land.
- 5.10.6 The location of these compensatory plots has not been specified and since these must be identified and provided prior to determination to ensure that proposed off-site measures are deliverable, the proposals fail to accord with the requirements of LDP policies N1 and N2.

5.11 European Designated Sites

- 5.11.1 With respect to off-site impacts, Natural England and ECC Ecology have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.11.2 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘Zones of Influence’ of these sites cover the whole of the Maldon District.

- 5.11.3 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zol constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.11.4 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level HRA – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.11.5 Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £156.76 per dwelling.
- 5.11.6 To accord with NE's requirements and to accord with their consultation response, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a LSE to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

Is the proposal for 100 houses + (or equivalent)? Yes - If there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures.

More than 2.7km of daily walking routes can be achieved with links to public open green space and use of local public rights of Way networks, both on and offsite. Therefore, the LPA can be satisfied that the daily recreational needs of the new residents can be met, to minimise new residents from travelling to coastal Habitats sites such as, Blackwater Estuary Ramsar site and Special Protection Area (SPA). This will avoid predicted recreational impacts to sites from the development alone.

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

Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account NE's and ECC Ecology's advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

- 5.11.7 In addition to proposing over 2.7km of daily walking routes with links to public open green space and use of local public rights of Way networks the applicant has indicated that they would be willing to make a financial contribution, but a s106 Agreement has not been signed and thus this mitigation and the necessary financial contribution of £156.76 per dwelling has not been secured. Therefore, the development would harm the sensitive interest features of the European designated sites as the necessary mitigation has not been secured.

5.12 Sustainability

- 5.12.1 The applicant's Sustainability Statement sets out a range of measures in response to Maldon's Declaration of a Climate Emergency in 2021, National policy including Building Regulations, and the LDP policy D1 (specifically the need to take a positive contribution in terms of energy and resource and efficiency) and policy D2 which states that:

"All development must minimise its impact on the environment by incorporating the following principles...development should seek to maximise the use of building materials from sustainable sources and apply sustainable construction methods where appropriate...development will contribute towards making more efficient use or re-use of existing and reducing the lifecycle impacts of materials in construction."

- 5.12.2 The proposed measures set out in the applicant's Sustainability Statement cover: material selection; pollution; waste management; health & well-being; water efficiency; and Co2 emissions.
- 5.12.3 In summary the energy strategy for the development includes standards of energy efficiency capable of complying with the revised Fabric Energy Efficiency Standard, commits to photovoltaic arrays on the roof spaces of every house, electrical vehicle charging points to every home, water efficiency standards of 110 litres per person per day or less and a site waste management plan.
- 5.12.4 Whilst the Essex County Council Climate Change Unit (ECCCCU) welcome the proposals summarised above they have advised that the development proposals need to be far more ambitious to be considered sustainable development in achieving sustainability by reducing the carbon footprint of the development to align with ECC and the national target of net zero and the environmental objective of moving to a low carbon economy. In providing this advice ECCCCU emphasise that ECC is committed to promote all new housing developments to be built to net zero standards by 2025.
- 5.12.5 The applicant has responded to this stating that they would be happy to propose air source heat pumps and emphasising that the scheme has been designed to comply with current regulations and that with it would comply with relevant planning policies. Although it would be preferable to require stronger provisions such a requirement for all houses to be built to net zero under present policies this cannot be insisted upon. In addition the applicant has proposed that the development would be 'gas free' and the site's emission rate would better the Building Regulations Part L by a minimum of

58.48% far exceeding current policy requirements. In light of this and subject to the commitment made by the applicant in their Sustainability Statement being conditioned the proposals are considered to accord with LDP policies D1 and D2 in terms of sustainability requirements.

5.13 Other Material Considerations

Heritage

- 5.13.1 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the Council to have special regard to the desirability of preserving the setting of listed buildings.
- 5.13.2 The Chelmer and Blackwater Navigation Conservation Area is located 730m SW of the site. The Heybridge Basin Conservation Area is 1500m to the south of the site. There are also four Grade II listed buildings within 500m of the site. The closest are C19th Woodfield Cottages, 110m to the SW. Approximately 270m to the E are Lofts Farmhouse and associated granary and cart lodge dating mainly to the C18th and C19th, with some 16th century elements. Approximately 495m to the SW are the lodge, gates, and gate piers associated with a demolished mansion known as The Towers.
- 5.13.3 Of these heritage assets, only Lofts Farmhouse has been identified in the applicant's Heritage Impact Assessment as being of medium significance, with limited changes to its setting. The farm is accessed by a narrow lane from Broad Street Green Road from where there are views of open fields and lakes. However, it is not visible from surrounding roads and views to the house would not be affected. Therefore and whilst the view from the farmhouse would be affected, the farm would remain behind the lake which would provide a buffer between it and the new houses. As a result it is considered that any effect to Lofts Farm would be less than substantial at worst. Accordingly, the proposal is considered to accord with the relevant requirements of LDP policy D3 and that it would not conflict with the provisions of section 16 of the NPPF, or with the duties set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

- 5.13.4 The Heritage Statement provided in support of the proposal concludes that with regards to archaeology, the site's historic use for quarrying has very likely removed any archaeological records from the site, with only a low-moderate likelihood of any records remaining on the site. The County archaeologist has confirmed this in advising that it is unlikely any further archaeology survives and that the site has been partially archaeologically excavated by the Maldon Archaeology and History Group and that subsequent to the excavations the area was quarried and landscaped.

Ground conditions

- 5.13.5 The application is supported by a Phase 1 Desk Study and Ground Investigation Report which identifies potential sources of pollution on the site as well as feasible pollutant linkages to its end users, which could result in unacceptable levels of risk. The Environmental Health Officer (EHO) has considered this and advised that the previous use of the northern part of the site as a nursery also gives rise to potential contamination from organic compounds including fuels, pesticides and herbicides, metals, PAHs and asbestos. In accordance with the EHO's advice, if the application

were to be approved it would be necessary to secure the provision of a phase II intrusive site by condition.

Air Quality

- 5.13.6 The EHO has advised that the development is expected to lead to a small increase in pollutant concentrations at existing sensitive receptors, but the increases are not significant in magnitude and will not bring levels above or close to the relevant air quality objectives. With regards to the site being classified as 'High Risk' for dust soiling and human health during the construction phase the EHO has advised that these impacts would only be in the medium/short term and should be negligible with appropriate mitigation, which could be secured through a construction environmental management plan condition if the application were to be approved.

Noise

- 5.13.7 The EHO has advised that the worst-case scenario for noise during the construction phase predicts significant adverse impacts at noise sensitive receptors on both Broad Street Green and Scraley Road, without any mitigation. However they have also advised that the provision of a temporary 3m high barrier should reduce the noise levels to an acceptable level. This could be required as part of under a Construction Environmental Management Plan and secured by condition if the application were to be approved. Similarly although some of the windows on facades facing Broad Street Green require a higher standard of acoustic performance for glazing and ventilation elements a condition could be imposed to ensure that the minimum recommended performance is met.

6. ANY RELEVANT SITE HISTORY

- 6.1 There have been several requests for EIA screening / scoping of proposals for residential development on the site. The most recent and relevant of these relates to the screening opinion issued under application 22/00104/SOR in April 2022 for up to 350 dwellings . The application subject of this report is supported by an EIA prepared with reference to that scoping opinion.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|--|--|
| Heybridge Parish Council | <p>Recommend refusal for the following reasons:</p> <ul style="list-style-type: none">• Contrary to current Maldon District Local Plan.• The Council currently has a 6.35years housing land supply so development is not needed• Insufficient school places.• NHS Services woefully inadequate. Development will only add increased pressure on them. | Covered in Sections 4 and 5 of this report |

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|--|--|
| | <ul style="list-style-type: none"> Impact of new development on the road network unacceptable. Broad Street Green Rd at its junction with Scraley Rd and Colchester Road already congested. Active Travel and Public Transport / Pedestrian safety, additional crossing point needed on Scraley Road to allow pedestrians to cross from the North side to the South side safely and then onwards to Rowan Drive. Location of bus stop not clear and bus shelter needed. Drainage. Site is surrounded by Flood Zone 3- who will be responsible for the maintenance of mitigation. Damaging impact to wildlife, both on the site itself and adjoining local wildlife sites Environmental loss / threat to significant habitats and species, loss of open space and areas of significant public access. The site is only a few 100 m from a SSSI. Development would seriously impact on outcomes for the RSPB Turtle Dove Protection Scheme, and the Blackwater Land Recovery. Proposals would have a significant impact on the green infrastructure and put pressure on residents' access to the countryside. Climate emergency. Adverse impact on archaeological and historic interest. | <p>Covered in Section 5.4 of this report</p> <p>Covered in Section 5.9 of this report</p> <p>Covered in paragraphs 5.10 and 5.11 of this report.</p> <p>Covered in Section 5.12 of this report.</p> <p>Covered in Section 5.13 of this report.</p> |

| Name of Parish / Town Council | Comment | Officer Response |
|--------------------------------------|---|--|
| | <ul style="list-style-type: none"> Agreement for gravel extraction on the land at Lofts Farm, required that the land is returned to agriculture after extraction and infill was completed. Persimmon would not agree to return the land in question agreed to a 21-year Option Agreement which terminates in 2031. Land may still have a Coastal Protection Order on it. | The applicant has been made aware of these assertions but does not agree and there is no available information to confirm otherwise. |
| Great Totham Parish Council | The application site is outside of any area intended for development and, viewed with the North Heybridge Garden Suburb and the existing established residential area south of the site would form an unacceptable urbanisation of the area, as well as conflicting with the individual and traditional settings of the existing properties in Broad Street Green Road. The additional traffic generated would be unacceptable. | Covered in Section 5 of this report |

7.2 Statutory Consultees and Other Organisations (*summarised*)

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---------------------------------------|
| National Highways | No objection. The proposed development will be accessed from the local road network. There is more than one SRN junction on the A12 road, currently available around 12-16 minutes (approximate) of car driving proximity. The proposed development could generate two-way vehicle trips up to 180 in the AM peak and 167 in the PM peak. However, part of these predicted vehicular trips could take a few alternative routes to travel towards the A12 road, part of the SRN. Considering the proposed generated traffic distribution as shown in the Transport | Covered in Section 5.4 of this report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|---|
| | Assessment, the actual vehicular trips which may take the A12 road will be much less than those two-way generated vehicular trips during peak hours. | |
| Highway Authority | <p>The Highway Authority has undertaken extensive investigation and analysis of the submitted supporting documentation, and all additional information supplied by the applicant. The submitted Transport Assessment is considered robust and the Highway Authority is satisfied that the development will not have a significant or severe impact at this location, or on the wider highway network. Consequently, the Highway Authority is now satisfied that the development proposal is acceptable in highway and transportation terms, subject to a comprehensive package of mitigation measures for sustainable transport measures, and as necessary capacity enhancements on the network, to be secured by condition or legal obligation. To include the following:</p> <p>*Construction Management Plan;</p> <p>*Access arrangements and offsite highway works, as shown in principle on Lime Transport drawing no. 21134-OS-101-01 Rev A, fully implemented and retained for the life of the Development.</p> <p>*Relocate the existing southbound Scylla Close bus stop and provide bus cage markings, a shelter, with integral Real Time Passenger Information, raised kerbs, pole and flag on the eastern side of Broad Street Green Road, with appropriate footway and hardstanding as necessary.</p> | <p>Covered in Section 5.4 of this report</p> <p>Covered in paragraph 4.4.9 of this report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|--|
| | <p>*A 3.5m wide pedestrian cycle access, and connection, into the south of the site from Scraley Road, at the earliest opportunity.</p> <p>*A contribution of up to £2,800,000 (two million-eight hundred-thousand pounds index linked), payable to Essex County Council, for strategic and local infrastructure, as identified in Maldon District Council's Infrastructure Delivery Plan, towards highway capacity improvements, or sustainable travel measures, as considered necessary, across the Garden Suburbs.</p> <p>*Provision of a contribution of up to £750,000 (seven hundred-fifty-thousand pounds index linked), payable to Essex County Council, for Passenger Transport improvements for bus services from Witham, Colchester and Maldon.</p> <p>*Extend the 30mph speed limit from its existing position to the north of the junction with Scraley Road, northwards along Broad Street Green Road.</p> <p>*A zebra crossing on Broad Street Green Road to the south of the proposed site access.</p> <p>*A Residential Travel Plan .</p> <p>*Provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport.</p> <p>* Parking and turning areas.</p> | <p>Covered in paragraph 4.4.9 of this report</p> |
| Natural England | <p>Having considered the assessment under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) Natural England concur with the assessment conclusions and are satisfied that there will be no adverse impact on the sites from recreational pressure if all</p> | <p>Covered in Section 5.11 of this report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|---|
| | mitigation measures are appropriately secured. | |
| Essex County Council Ecology | <p>Holding objection due to insufficient ecological information on Priority species (farmland birds – Skylark).</p> <p>We note that the RPS Response To Ecological Comments – Ref: ECO02194_875 (RPS, September 2023) intention to provide compensatory off-site habitat for Priority farmland bird species, such as Skylark. This is further confirmed by the RPS Ecology Response – Ref. ECO02194_875 (RPS). The RPS Ecology Response – Ref. ECO02194_875 (RPS) explains that the compensatory plots are to be introduced on neighbouring arable land. However, the location of these plots or land have not been included. Therefore, this information should be provided prior to determination of this application to ensure that proposed off-site measures are deliverable.</p> <p>As compensation measures will need to be created offsite, it is recommended that a draft Farmland Bird Mitigation Strategy should be submitted prior to determination of any consent with finalised measures secured as part of the S.106 agreement. This information is therefore required to provide the LPA with certainty of impacts on Priority species and be able to secure appropriate mitigation measures. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.</p> <p>Habitats sites –</p> | <p>Covered in Section 5.10 of this report</p> <p>Covered in Section 5.10 of this report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|---|
| | <p>RPS Ecology Response – Ref. ECO02194_875 (RPS) now clearly demonstrates that more than 2.7km of daily walking routes can be achieved with links to public open green space and use of local public rights of Way networks, both on and offsite. Therefore, the LPA can be satisfied that the daily recreational needs of the new residents can be met, to minimise new residents from travelling to coastal Habitats sites such as, Blackwater Estuary Ramsar site and Special Protection Area (SPA). This will avoid predicted recreational impacts to sites from the development alone. Therefore, the LPA will need to prepare a project level HRA Appropriate Assessment to secure this mitigation, as well as measures to avoid adverse effects upon site integrity from the development in combination with other plans and projects. This will include a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites, in line with the Essex Coast RAMS. This will mitigate for predicted recreational impacts from the development alone and in combination with other plans and projects and avoid Adverse Effect on Integrity of the identified Habitats sites.</p> <p>Hazel Dormouse and Water vole – Sufficient information provided such that the LPA has certainty of the likely impacts to these Protected species.</p> <p>Reptiles - translocation of reptile species is not required and therefore the LPA has certainty of the likely impacts to these</p> | <p>Covered in Section 5.11 of this report</p> <p>Covered in Section 5.11 of this report</p> <p>Covered in Section 5.10 of this report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|--|
| | protected species. Therefore, a finalised reptile mitigation strategy should be secured by condition of any consent. | Covered in Section 5.10 of this report |
| Essex Wildlife Trust | <p>Objects on grounds of:</p> <ul style="list-style-type: none"> • Harmful impact on adjacent EWT nature reserve and designated local wildlife site • Fragmentation of habitats within an important wildlife corridor • Conflict with aspirations for the emerging local nature reserve recovery network in Essex • Harmful impacts on birds of conservation concern <p>The proposal does not accord with LDP policy S1 to conserve and enhance the natural environment by providing protection and increasing local biodiversity neither does it accord with policy N1 to preserve and enhance multi-functional green infrastructure network.</p> | Covered in Sections 5.10 and 5.11 of this report |
| RSPB | <p>Proposal does not accord with LDP policies S1 (Sustainable Development) and N1 (Green Infrastructure Network) The on-site mitigation will not be effective. The application site and the neighbouring Loft Farm has been subject to intense survey effort by skilled, local volunteers for the last ten years. last year (2022), 109 bird species were recorded over 79 full morning visits. This year, following considerable efforts by the landowner at Lofts Farm working with Operation Turtle Dove, the farm had its first record of this species, the fastest declining breeding bird in the UK, since the 3 May 2016. This marks a crucial step for nature recovery which we know the council supports. Maldon's adopted Green Infrastructure Strategy</p> | Covered in Sections 5.10 and 5.11 of this report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|---|
| | <p>recognises and maps the Old Hall Turtle Dove Friendly Zone which encompasses the application site. Seriously concerned about the impact a further increase in recreational pressure will have on the immediate vicinity around the development site and how any on-site mitigation can be considered deliverable with such an increase in pressure from daily activity. To suggest that Skylarks could persist on a small meadow within the confines of a housing settlement with the resultant disturbance from walkers and dog-walkers is unworkable. Therefore, suitable off-site mitigation should be secured as proposed and the report does not set out how this will be secured. The mitigation cannot be considered effective or deliverable in its current state and cannot be reliant on a suitably worded planning condition.</p> | <p>Covered in Sections 5.10 and 5.11 of this report</p> <p>Covered in Sections 5.10 and 5.11 of this report</p> |
| Essex County Council Education | <p>A development of this size can be expected to generate the need for up to 18.68 Early Years and Childcare (EY&C) places; 62.25 Primary School places, and 41.50 Secondary School places. A developer contribution of £1,074,933.00 index linked to Q1-2020, is sought to mitigate its impact on local Primary School provision. This equates to £17,268 per place. A developer contribution of £986,663.00 index linked to Q1-2020, is sought to mitigate its impact on local Secondary School provision. This equates to £23,775 per place. A contribution toward Post16 education is not required at this time. However, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions</p> | <p>Covered in Sections 4 and 5.1 of this report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|---|
| | <p>(Revised 2020), an Employment and Skills Plan (ESP) should be developed to set out how the developer will engage with and maximise local labour and skills opportunities.</p> <p>Essex County Council will not be seeking a School Transport contribution at this time.</p> <p>The suggested population increase brought about by the proposed development is expected to create additional usage of Maldon Library. A developer contribution of £21,861.80 is therefore considered necessary to improve, enhance and extend the facilities and services provided. We would also look to use any contribution towards expanding the reach of our mobile library and outreach services in order to provide an appropriate service to these additional residents. This equates to £77.80 per unit, index linked to April 2020.</p> | |
| NHS Property Services (Integrated Care System) | <p>The proposed development is likely to have an impact on the services of the Surgeries which operate within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area.</p> <p>The development would have an impact on healthcare provision in the area where there is already a deficit of primary care facilities. If unmitigated, the development would be unsustainable. Planning obligations could be used to secure contributions to mitigate these impacts and make an otherwise unacceptable development acceptable in relation to healthcare provision.</p> <p>The ICS therefore requests that the sum of £139,300 be secured</p> | Covered in paragraphs 4.4.6 and 4.4.7 of this report. |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|---|---|
| | through a planning obligation in the form of a S106 agreement is linked to any grant of planning permission in order to increase capacity for the benefit of patients of the Primary Care Network operating in the area. This may be achieved through any combination of extension, reconfiguration or relocation of premises. In the absence of such mitigation the development would impose an unsustainable burden on local healthcare services | Covered in paragraphs 4.4.6 and 4.4.7 of this report. |
| Essex County Council Sustainable Drainage Team | Do not object subject to conditions for: in accordance with approved drainage strategy; scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction; maintenance arrangements including who is responsible for different elements of the surface water drainage system; and yearly logs of maintenance. | Covered in Section 5.9 of this report |
| Tree Consultant | Overall, there is no reason in relation to arboriculture this application cannot progress, however an Arboricultural Method Statement and Tree Protection Plan outlining suitable working methods and specified protection is required prior to the start of the development | Noted |
| Essex And Suffolk Water | Our records show that we have a 90mm polyethylene distribution water main in the vicinity of Broad Street Heybridge. A minimum clearance depth of 300mm from our 90mm PE main should be maintained. An easement width of 3m should be maintained on either side of the pipe between the PE pipe and proposed works. Request that the party carrying out these works undertake one trial hole to confirm their location and depth before proceeding with | Covered in Section 5.9 of this report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|--|
| | any works. Any damages to our asset during these works will incur charges which will be charged in full directly to developer for repairs and will be liable for all damages that may arise | Covered in Section 5.9 of this report |
| Anglian Water Services | The foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows. The proposed connection is acceptable. We do not require a condition in planning for foul water. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. | Covered in Section 5.9 of this report |
| Essex Police Designing Out Crime | Whilst there are no apparent concerns with the layout to comment further finer detail such as the proposed lighting boundary treatments and physical security measures is required. Would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design Homes award. | Noted also see Section 5.5 of this report |
| Essex Police Strategic Planning Team | Essex Police Roads Policing Unit note the following points: Consideration for connectivity: Cyclists and pedestrians form part of our vulnerable road user groups, and we would wish to encourage safe passage for cyclists and pedestrians through road design. Plans should include dedicated routes, especially to Heybridge centre and local | Covered in Sections 4 and 5 of this Report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|---|---|
| | <p>schools, and the installation of road safety features under the Safe Systems (Vision Zero) approach.</p> <p>Consideration for the average speed system on Broad Street Green, Heybridge, reducing the speed limit to 30mph, south of the proposed roundabout location.</p> <p>Consideration for the average speed system to extend into Colchester Road, Heybridge, to its junction with Goldhanger Road.</p> | Covered in Sections 4 and 5 of this Report |
| Sport England | <p>If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place. In line with the NPPF (including Section 8) and PPG (Health and wellbeing section), consideration should also be given to how any new development, especially for new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities. Sport England's Active Design guidance can be used to help with this when developing or assessing a proposal.</p> | Noted – see paragraph 4.4.1 and section 5.5 of this Report. |
| Environment Agency | <p>We have reviewed this application and we have not found any constraints that fall within our remit. Therefore, we have no comments to make.</p> | Noted |
| Essex County Fire Service | <p>The following matters need to be addressed before access for fire service purposes can be considered satisfactory:</p> | Noted |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|--|
| | <p>*(i) The surface should be capable of sustaining a load of 18 tonnes (26 tonnes in the case of aerial appliances). See Guidance Note GN0001 Access for Fire Appliances</p> <p>*(ii) Changes of direction by bends should have a radius of not less than 8.9 metres to the outer edge.*</p> <p>*(iii) The overall width of the access fire path should be not less than 3.7 metres. Openings or gateways should not less than 3.1 metres.*</p> <p>*(iv) Headroom should not be less than 3.7 metres and 4 metres in the case of aerial appliances.</p> <p>*(v) If bollards or other removable barriers are required then the details of design should be agreed with the Fire Authority.</p> | |
| Essex County Archaeologist | No archaeological recommendations are being made with regards to this application | Noted see Section 5.13 of this Report. |
| CPRE Essex | Object: Notwithstanding the fact that the site is unallocated in the Local Plan and concerns that roads and other infrastructure in the immediate area are already under considerable pressure/inadequate, the main issue for CPRE relates to the likely adverse environmental impacts of the proposed development. In this respect, the threat to significant habitats and associated wildlife is key. It's clear from comments submitted by RSPB and also within the Heybridge Parish Council objection that the land in question is an important site for a number of Red-listed species that require protection. It is difficult to envisage how any proposed mitigation measures to address the adverse impacts on both avian species | Covered in paragraphs 5.10 and 5.11 of this Report |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|--|--|---|
| | <p>and other fauna can compensate for the loss of the existing habitats and the biodiversity successes of environmental land management around Lofts Farm. The loss of open space, which acts as a buffer between the gravel lakes and existing development, as well as providing an area of significant public access is another important consideration. Development of this resource will impact the nearby SSSI, with its archaeological and historic interest, and this is a further cause for concern.</p> | <p>Covered in paragraphs 5.10 and 5.11 of this Report</p> |
| <p>Essex County Council Climate Change Unit</p> | <p>Welcome the provision of photovoltaic (PV) arrays being installed on the roof space. Energy Use Intensity in all buildings of major development proposals should be demonstrated using predictive energy modelling. The applicant has identified gas condensing boilers will be installed in each property. This is not an acceptable solution.</p> <p>The applicant has demonstrated that the contractor aims to monitor and track CO2 emissions arising from all site construction activities, including transportation to and from site.</p> <p>Whilst we welcome the proposed fabric first approach and proposed inclusion of renewable energy technologies onsite, the development proposals need to be far more ambitious to be considered sustainable development in achieving sustainability by reducing the carbon footprint of the development to align with ECC and the national target of net zero and the environmental objective of moving to a low carbon economy. For residential development proposals of 100 dwellings or</p> | <p>Covered in paragraph 5.13 of this Report</p> |

| Name of Statutory Consultee / Other Organisation | Comment | Officer Response |
|---|--|--|
| | <p>more, the Council requires in-use energy monitoring to be undertaken on a representative sample of at least 10% of homes for a period of 5 years. The information must be evaluated to understand how buildings are performing, minimise the performance gap, and to aid the learning, innovation and skills development in the design and construction industry.</p> <p>ECC is committed to promote all new housing developments to be built to net zero standards by 2025; That means, serious steps must be made towards that target now for all new consented developments.</p> | Covered in paragraph 5.13 of this Report |

7.3 Internal Consultees

| Name of Internal Consultee | Comment | Officer Response |
|-----------------------------------|---|--|
| Affordable Housing Officer | <p>This Application meets the Affordable Housing Policy requirement for both percentage of Affordable Housing/tenure split, will provide properties that will be NDSS/M4 (3) compliant, provide bungalows for older/disabled people and much needed 3 and 4 bed rented properties for larger families. Strategic Housing fully supports this scheme that will greatly assist in providing Affordable Housing to meet the housing needs of the district.</p> <p>The Affordable units would need to be developed to Nationally Designed Space Standards. The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider/ Housing Association. The Affordable Scheme detailing tenure, cost, allocation of units is to be agreed by Maldon District Council's Housing</p> | Covered in paragraphs 4.4.8 and Section 5.3 of this report |

| Name of Internal Consultee | Comment | Officer Response |
|-------------------------------------|--|---|
| | <p>Department as part of the Section 106 Agreement. The Applicant should have in place and be able to submit if required a financial appraisal that illustrates this to be the case (as a benchmark for any subsequent changes). Should the Applicant then seek to reduce the level of affordable housing because of financial viability, they should first engage with the Council to see if possible to protect the original % of affordable through use of grant. With regards to the 0.4 of the 112.4 Affordable properties, the Applicant has agreed to provide a Commuted Sum for this element. Strategic Housing Services will calculate this figure in line with Policy that will need to be incorporated in the Section 106 once approval on the figure is received from Members.</p> | <p>Covered in paragraphs 4.4.8 and Section 5.3 of this report</p> |
| <p>Environmental Health Officer</p> | <p>Air Quality The development is expected to lead to a small increase in pollutant concentrations at existing sensitive receptors, but the increases are not significant in magnitude and will not bring levels above or close to the relevant air quality objectives. The site is classified as 'High Risk' for dust soiling and human health during the construction phase. The impacts will only be in the medium/short term and should be negligible with appropriate mitigation, secured through a construction environmental management plan condition.</p> <p>Noise The operational phase of the development is unlikely to have any adverse impacts on existing or new noise sensitive receptors. An assessment of the worst-case scenario for noise during the construction phase predicts significant adverse impacts at noise sensitive receptors on both Broad Street Green and Scraley Road, without any mitigation. The</p> | <p>Covered in Section 5.13.6 of this report</p> <p>Covered in Section 5.13.7 of this report</p> |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|---|---|
| | <p>Environmental statement includes a model of construction noise with a temporary 3m high barrier in place, which should reduce the noise levels at the most impacted receptors to an acceptable level. This could also be secured through submission and approval of a construction environmental management plan.</p> <p>Noise from road traffic on the proposed new development has been assessed and it was found that the recommended noise levels in external amenity areas can be met without the need of any additional mitigation, due to the site design and layout. Guideline internal noise levels can be met on most of the site without any additional mitigation. Some of the windows on facades facing Broad Street Green require a higher standard of acoustic performance for glazing and ventilation elements. I have suggested a condition to ensure that the minimum recommended performance is met.</p> <p>Land Contamination The Phase I desk study by Brown 2 Green Associates Ltd (Ref 2959/Rpt 1v1) identifies potential sources of pollution on the site as well as feasible pollutant linkages to its end users, which could result in unacceptable levels of risk. The previous use of the northern part of the site as a nursery gives rise to potential contamination from organic compounds including fuels, pesticides and herbicides, metals, PAHs and asbestos. A phase II intrusive site investigation has been recommended and should be secured by condition.</p> | <p>Covered in Section 5.13.7 of this report</p> |
| Strategy Team | <p>Reliance on the motor vehicle is envisaged. Improvements to walking and cycling infrastructure is required including a safe crossing point on Broad Street Green Road over the facilities and services on the NHGS. Segregated lanes are required for</p> | |

| Name of Internal Consultee | Comment | Officer Response |
|----------------------------|---|--|
| | <p>safe cycling on Broad Street Green Rd and a timetable extension to the 90 bus timetable to support commuters and those utilising rail services at the weekend. Walking and Cycling must be a safe and sustainable alternative if people are to leave the car at home for short journeys of less than 2km as the applicant alludes to in the Accessibility Section of the D&A Statement. The application is lacking in its appreciation of the facilities and services available on the NHGS that includes a GP surgery and local retail store. Walking and cycling connections to and from the site should be factored to the NHGS which, in most cases for retail, GP, school and early years will be closer than those referred to in the D&A Statement. This makes the need for the safe walking and cycling connections and segregated lanes important on Broad Street Green Road to integrate with the established NHGS greenways and approved local centre.</p> <p>As the site is so close to the NHGS I will be guided by the NHGS Masterplan and Design Codes re: the materials palette. All acceptable apart from the brown roof tiles. Essex does not have brick earths that produce brown tiles, this is more Bedfordshire.</p> | <p>Covered in Sections 5.4, 5.5, 5.6 and 5.7 of this report</p> <p>Materials could have been conditioned if the application were approved.</p> |
| Waste Management | Developments incorporating a new access road which waste collection vehicles will need to transverse must be built to the Council's specifications. | Noted |

7.4 Representations received from Interested Parties

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

| Objecting Comments | Officer Response |
|---|--|
| Adverse impacts on highway and pedestrian safety. Broad Street Green Road is a dangerous Road. Increased in traffic congestion on surrounding roads. The roads are increasingly busy and dangerous, especially the B1022. | Covered in Section 5.4 of this report |
| Access for foot paths is not suitable for more housing. Increased danger to children from traffic owing to close proximity of large primary school. | Covered in Section 5.4 of this report |
| Applications have been rejected over the past 30+ years for this site due to its unsuitable and dangerous position. | Noted |
| No vehicular access should be allowed onto Scraley Road. | Covered in Section 5.4 of this report |
| Existing infrastructure will not be able to cope including drainage, schools, doctor's surgeries, health and dental care. There is St Peters Hospital has no A&E facilities. Other resources overstretched e.g. Fire Service. | Covered in Sections 4 and 5 of this report |
| The development is not part of the current Maldon Development Plan and therefore is not accounted for in current provisions for schools, doctors and other amenities. | Covered in Section 5.1 of this report |
| Houses not needed. | Covered in Section 5.1 of this report |
| Heybridge Primary School is already oversubscribed. There is no planned provision for a school. The established schools do not have capacity. | Covered in Sections 4 and 5.1 of this report |
| Increase in anti-social behaviour. Nearest police station is over 10 miles away. Policing needs to be a higher priority. | Police have been consulted on the application – see Section 7.2 of this Report |
| Adverse impact on countryside setting to Heybridge. | Covered in Sections 5.5 and 5.6 of this report |
| Adverse impact on wildlife. | Covered in Sections 5.10 and 5.11 of this report |
| Sprawl of development into farmland. Proposal is out of keeping with the housing stock currently in the area and will leave Maldon as just another urban sprawl. | Covered in Sections 5.5 and 5.6 of this report |
| Increased risk of flooding. No details provided for maintenance of attenuation features. | Covered in Section 5.9 of this report |

| | |
|--|--|
| Foul drainage system is already at capacity | Covered in Section 5.9 of this report |
| Site is surrounded by deep water filled ex-gravel pits that are dangerous to children and vulnerable people. | Covered in Section of this report |
| Increase in air and noise pollution from traffic. | Covered in Section 5.13 of this report |
| Adverse impact on mental health of existing residents of this area due to non-stop development. | Noted |
| Climate change | Covered in Section 5.12 of this report |
| Lack of local employment | Covered in Section 5.1 of this report |
| Already have 1200 houses being built off of Broad Street Green Heybridge. | Covered in Section 5.1 of this report |
| Local shops would not be adequate | .Covered in Section 5.1 of this report |
| Affordable housing percentage is too high. | Covered in Sections 5.2 and 5.3 of this report |
| Significant inaccuracies with submitted application supporting documents . Many facts incorrect e.g. distances to Medical Centres, location of Heybridge Swifts, shops etc | Noted |
| The land part of Lofts Farm is listed as a site where many fossils have been found. | Covered in Section 5.13 of this Report |
| The site is subject of a Coastal Protection Order. | There are no records relating to this. |
| Agreement for gravel extraction on the land at Lofts Farm, required that the land is returned to agriculture after extraction and infill was completed. Persimmon would not agree to return the land in question agreed to a 21-year Option Agreement terminating in 2031. | There are no documents available to confirm this and the applicant's attention has been drawn to this assertion. |

8. **RECOMMENDED REASONS FOR REFUSAL**

1. The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing and employment in the District. The development is therefore contrary to Policies S1 and S8 of the Maldon District Local Development Plan (2017).
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the proposal includes inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality, address the

Council's strategic objectives on affordable housing and supporting a mixed and balanced community, contrary to Policies S1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the necessary provision of highway infrastructure upgrades, passenger transport improvements, completion management and maintenance of the public open space, provision of necessary contributions towards health care, primary and secondary school places, and the provision of a contribution to library improvements, the impact of the development cannot be mitigated contrary to Policies S1, D1, N1, N3, I1 and T2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.
4. In the absence of adequate information on the potential adverse impacts of the proposed development on European Protected Species (Priority farmland bird species) it is not possible to establish whether the proposals would result in unacceptable harm to protected species. The proposal is therefore contrary to policy N2 of the approved Maldon District Local Development Plan (2017) and Section 15 of the NPPF (2023).
5. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing appropriate a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1 and I1 of the Maldon District Local Development Plan and the NPPF (2023).

Positive and Proactive Statement

Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Case Officer

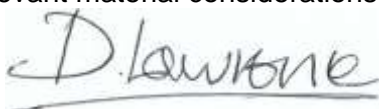


Signature

Date 7th February 2024

Delegated Authority

I, the undersigned, agree with the officer's recommendation above after taking in to account the content of the officer's report, plans, supporting documents, consultation responses and any and all relevant material considerations subject to any comment I have made below.



11.02.2024

Signature.....

Date.....