



**MINUTES of
PLANNING AND LICENSING COMMITTEE
18 JULY 2019**

PRESENT

Chairman	Councillor Mrs P A Channer, CC
Vice-Chairman	Councillor Mrs M E Thompson
Councillors	B S Beale MBE, R G Boyce MBE, M R Edwards, Mrs J L Fleming, A S Fluker, C Mayes and W Stamp
Substitute Councillor(s)	Councillor E L Bamford
In attendance	Councillor C Morris

269. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

270. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M F L Durham and M S Heard. In accordance with notice duly given Councillor E L Bamford was attending as a substitute for Councillor Durham.

271. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 6 June 2019 be approved and confirmed.

272. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council particularly in relation to the following Agenda Items:

- 6 – Draft Tiptree Neighbourhood Plan;
- 7 – Consultation Questionnaire: Essex County Council Sustainable Drainage Systems Design Guide;
- 9 – Consultation Response to the Draft National Flood and Coastal Erosion Risk Management Strategy.

273. PUBLIC PARTICIPATION

No requests had been received.

274. DRAFT TIPTREE NEIGHBOURHOOD PLAN

The Committee considered the report of the Director of Strategy, Performance and Governance presenting the draft Tiptree Neighbourhood Plan (the Plan) and comments received.

Councillor Mrs M E Thompson declared a non-pecuniary interest in this item of business as she was a member of Tolleshunt Knights Parish Council.

It was noted that Tiptree Parish Council were currently consulting on the draft Tiptree Neighbourhood Plan and as a neighbouring Authority Maldon District Council had been consulted. The report provided a summary of the contents of the Plan along with Maldon District Council's proposed response to the consultation.

In response to a Member raising concern regarding the impact of the proposed additional housing to Tiptree on this District, particularly in respect of traffic and accessing the A12, the Chairman suggested that this could be incorporated into the Council's consultation response.

In response to questions and comments, the Specialist – Local Plan provided Members with the following additional information:

- Improved access to the A12 and the junctions on the A12 itself were outside the remit of the Neighbourhood Plan.
- The Draft Colchester Local Plan showed indicative locations of the proposed Tiptree additional housing allocation
- The Appleford bridge, Great Braxted and Grey Mills bridge, Kelvedon were included in respect of routes via them onto the A12.
- A Community Forum on the A12 was scheduled for 24 July and following a Member / Officer forum the Officer provided Members with information regarding the A12 preferred routes including surveys and design work to be undertaken.

It was agreed that Members' comments would be incorporated into the consultation response and the wording of this would be agreed in consultation with the Director of Strategy, Performance and Governance.

RESOLVED

- (i) that the following additional comments from Members, agreed in consultation with the Director of Strategy, Performance and Governance, be included as part of the Council's consultation response to the draft Tiptree Neighbourhood Plan:

Maldon District Council is concerned that despite the Neighbourhood Plan's approach to mitigating the impact of vehicular traffic through Tiptree village, the scale of additional housing in the village will nevertheless impact on traffic flows, through and around the village, especially the routes to the A12, including the routes via the historic Appleford and Grey Mills bridges at Great Braxted and Kelvedon respectively. Maldon District Council does, however, recognise that improvements to the access roads to the A12 and to the junctions on the A12 itself are outside the remit of the Neighbourhood Plan.

- (ii) that subject to (i) above, the draft consultation responses to the draft Tiptree Neighbourhood Plan, as detailed below be approved and submitted to Tiptree Parish Council.

Section	Draft consultation response
POLICY TIP01: Tiptree Settlement Boundaries	The approach taken on the settlement boundary and restricting development in the countryside is supported.
POLICY TIP02: Good Quality Design	This policy is supported, as it endeavours to protect the character of the village.
POLICY TIP03: Residential Car Parking	This policy is supported, as it recognises the role private cars have in enabling access to employment and everyday services, and the subsequent need to ensure that sufficient off-street parking is provided in new developments.
POLICY TIP04: Building For Life	The ambition of this policy to improve design of the built environment is supported. However, as this policy only 'encourages' developers to design to Building for Life standards it is unenforceable, and therefore is of limited value.
POLICY TIP05: Dwelling Mix	Sections A and B are rather generic. Section C which requires a percentage of homes to be built to accessible and adaptable standards or wheelchair accessibility standards is a commendable aspiration. However, the requirement for all affordable housing to meet one or other of these standards may be disproportionate in comparison to the requirements placed on market housing in the policy.
POLICY TIP06: Cycling, Walking and Disability Access Routes	This policy is supported. This policy is consistent with the draft Essex Walking Strategy.
POLICY TIP07: Mitigating the impact of vehicular traffic through Tiptree village:	Maldon District Council supports the Plan's overall approach to mitigating the impact of vehicular traffic through the village.
POLICY TIP07: Mitigating the impact of vehicular traffic through Tiptree village: D (i). the new 'primary street' meets the necessary specifications as given in the Essex Design Guide (2018), in particular ensuring it is	It is understood that 'primary street' is the term used by the Highways Authority to describe a road that is sufficient to accommodate a public bus route. However, the Street Type table in the Essex Design Guide (EDG) does not use the term 'primary street.' Therefore, in this policy, which street type the term 'primary street' relates to needs clarifying.

Section	Draft consultation response
sufficient to support a bus route; and...	
POLICY TIP08: Tiptree village centre: existing businesses	Although the aims of the policy is supported, the restrictions on change of use may not be enforceable due to permitted development rights.
POLICY TIP09: Tiptree Village Centre: New Developments	This policy is supported. The aim to provide older persons' housing in the heart of the village, within easy reach of services and facilities is supported.
POLICY TIP10: Business Development	The allocation of new employment land in the Plan is supported.
POLICY TIP11: Community Infrastructure Provision	This policy is supported
POLICY TIP12: Comprehensive Development	This policy is supported as it will ensure that the new developments will integrate with one another and the village.
POLICY TIP13: Tower End (iii) ... A 'primary street' is provided...No dwellings should front directly onto this road...	This element of the policy is open to interpretation in terms of the type of development layout required. What is intended is that dwellings have front gardens and are set back from the street. However, as drafted, it could be read as meaning that no dwellings should face the road, resulting in a canyon effect as the road would be lined with back garden fences. It is recommended that this element of the policy is re-worded to ensure that it has the intended outcome.
POLICY TIP14: Highland Nursery and Elms Farm (vii). A 'primary street' is provided ... No dwellings should front directly onto this road...	This element of the policy is open to interpretation in terms of the type of development layout required. What is intended is that dwellings have front gardens and are set back from the street. However, as drafted, it could be read as meaning that no dwellings should face the road, resulting in a canyon effect as the road would be lined with back garden fences. It is recommended that this element of the policy is re-worded to ensure that it has the intended outcome.
POLICY TIP15: Countryside and Green Spaces	The policy is supported, although the Parish Council will need to ensure that it has sufficient long-term resources to manage and maintain the open spaces it gains from development in the village.
POLICY TIP16: Recreational disturbance Avoidance and Mitigation	The inclusion of this policy is supported.

275. CONSULTATION QUESTIONNAIRE: ESSEX COUNTY COUNCIL SUSTAINABLE DRAINAGE SYSTEMS DESIGN GUIDE UPDATE

The Committee considered the report of the Director of Strategy, Performance and Governance presenting the Council's response to the Essex County Council (ECC) Sustainable Drainage Systems (SuDS) Design Guide Update. It was noted that due to

the consultation period this response had been sent to the County Council following approval by the Chairman of this Committee and in accordance with the Council's Terms of Reference was now reported to the Committee.

It was noted that ECC had requested this Council review the updated guide attaching the ECC SuDS Design Guide Update document (Appendix 1 to the report) and Consultation Questionnaire (Appendix 2). The report set out the purpose of the review and the Council's response to the Consultation Questionnaire.

Councillor R G Boyce proposed that the Committee's thanks be passed to Ms Longman, Specialist – Local Plan for her work and that the recommendation as set out in the report be agreed. This proposal was duly seconded.

It was commented how beneficial it would be when considering planning applications to have Sustainable Drainage System (SUDs) documents available to provide further guidance and information rather than being addressed through conditions. The current problems for Members with such documents being required (through conditions) and not at the time an application was being considered were discussed and highlighted. The Officer explained through the consultation response the Council was expressing the importance of knowing exactly what a drainage strategy was and the benefits of receiving it as part of the outline application stage. The Chairman advised that this was something that would be highlighted further as part of the response.

In response to further questions from Members, Officers provided Members with additional information including:

- Members' attention was drawn to page 67 of the document pack (Appendix 1 to this report) which set out what documents were required by the Lead Local Flood Authority and at what stage of the application process they were required. It was noted that this would replace the need to condition requirements for some documents as part of planning approvals.
- In response to a question regard the meaning of "preliminary layout drawings showing exceeding routing, and location of discharge points" in the what we require and when table of the appendix, the Officer advised this was to do with flows but would seek further clarification for Members.
- It was clarified that no existing issues relating to, for example flooding, could be resolved directly as a result of a new planning application as conditions etc. could only deal with mitigating the impact from the new development. The Director of Strategy, Performance and Governance reported that there were several Flood Alleviation Schemes in development and provided an update in respect of Heybridge.
- The Council was no longer eligible for Housing Infrastructure Funds and the Director of Strategy, Performance and Governance outlined the reasons for this.

The chairman then put the proposal in the name of Councillor Boyce advising that Members' comments would be added to the appropriate response from Officers. This was agreed.

RESOLVED That subject to being updated with Members' comments, the Committee notes the Council's response to the Essex County Council (ECC) Sustainable Drainage

Systems Design Guide Update agreed in consultation with the Chairman of the Committee.

276. LOCAL DEVELOPMENT SCHEME - REVIEW OF 2005 - 2007 SUPPLEMENTARY PLANNING DOCUMENTS

The Committee considered the report of the Director of Strategy, Performance and Governance seeking approval to revoke five Supplementary Planning Documents (SPDs) prepared between 2005 and 2007 following review against the current adopted Local Development Plan (LDP) and its supporting SPDs, the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). The five SPDs were:

- Children's Play Spaces SPD, Adopted March 2006 (attached as Appendix 1 to the report);
- Developer Contributions Guide SPD, Adopted September 2006 (Appendix 2);
- Accessibility to Buildings SPD, Adopted December 2006 (Appendix 3);
- Heybridge Basin Timber Yard SPD, Adopted February 2007 (Appendix 4);
- Sadd's Wharf SPD, Adopted September 2007 (Appendix 5).

The report provided background information regarding the review undertaken in respect of each of the SPDs. Members were advised that following review the SPDs were all deemed to be out of date or redundant and did not align with the adopted LDP, NPPF or NPPG. It was noted that a future review of the LDP would identify any new policy or future SPDs which may be required.

In response to a question regarding Community Infrastructure Levy (CIL) the Director of Strategy, Performance and Governance provided Members with an update on CIL and the Government's consultation regarding it. Officers would be reviewing the guidance in the forthcoming weeks and would report back to Members regarding the timescale.

Following further discussion in relation to CIL it was agreed that an update report on CIL would be brought to the next meeting of this Committee to provide details regarding the current situation, government guidance etc.

There was some discussion regarding the revocation of these policies, their impact on the LDP and removal of developer contributions relating to CIL. In response Members were advised that the policies were out of date, related to a different planning period, were not compliant with the NPPF and national guidance. Members' attention was drawn to paragraph 3.5.1 of the report and it was noted that these policies would have zero material weight in planning considerations and could not be used to influence any contributions from developers.

It was commented that a Member seminar to allow every Member to be informed of the CIL Update would be beneficial. The Chairman then put the proposal as set out in the report with the request for an additional report and consideration of a Member briefing on developer contributions. Upon a vote being taken this was agreed.

RESOLVED that an update report on CIL would be brought to the next meeting of this Committee to provide details regarding the current situation, government guidance etc.

RECOMMENDED that the following Supplementary Planning Documents prepared and approved between 2005 and 2007 be revoked.

- Children's Play Spaces SPD, Adopted March 2006 (attached as **APPENDIX 1** to these Minutes);
- Developer Contributions Guide SPD, Adopted September 2006 (**APPENDIX 2**);
- Accessibility to Buildings SPD, Adopted December 2006 (**APPENDIX 3**);
- Heybridge Basin Timber Yard SPD, Adopted February 2007 (**APPENDIX 4**);
- Sadd's Wharf SPD, Adopted September 2007 (**APPENDIX 5**).

277. CONSULTATION RESPONSE TO THE DRAFT NATIONAL FLOOD AND COASTAL EROSION RISK MANAGEMENT STRATEGY

The Committee considered the report of the Director of Strategy, Performance and Governance advising Members of a response (attached as Appendix 1 to the report) which had been submitted on behalf of the Council in response to a national consultation undertaken by the Environment Agency on the Draft National Flood and Coastal Erosion Risk Management Strategy for England (the Strategy). It was noted that due to the limited timescales of the consultation the response had been sent following agreement of the Chairman of this Committee and was now reported to this Committee for Members' information.

The Strategy set out some aims for future flood risk management and it was noted that the focus was directed towards resilience rather than protection and placed reliance on partnerships to deliver this. It was unclear at this stage how funding tools would be applied and the Council's response highlighted concerns regarding the availability and allocation of funding. It was noted that without clarification on funding it was difficult to identify how the Strategy would achieve the vision, the steps along the way and what it was hoping to achieve to implement them.

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business as she lived in Althorne.

Members discussed the report and concern was raised regarding the lack of funding and that the Strategy did not detail how it would be delivered. It was agreed that further clarification would be made to the Council's response to question 7a regarding funding to make it clear that without funding details it would be difficult to see how the Strategy would achieve its vision. It was further agreed that question 1 should be amended to seek clarification on what the Strategy was hoping to achieve including how this would be implemented.

In response to a question regarding the Wallasea Island wetland project, the project was briefly discussed. Members were advised that the project would not be continuing and the harbour on the River Crouch was currently being removed.

At this point, Councillor Mrs Channer declared a non-pecuniary interest in this item of business as she was a member of the Crouch Harbour Advisory Committee and was on this Committee as part of the Kent and Essex Inshore Fisheries and Conservation Authority (KEIFCA). She advised that presentations were given, and the Crouch Harbour Authority carried out a review of the Wallasea Island Scheme.

RESOLVED that Maldon District Council's formal response to the Environment Agency consultation on the Draft National Flood and Coastal Erosion Risk Management Strategy for England be updated to include Members' comments regarding questions 1 and 7a.

There being no further items of business the Chairman closed the meeting at 8.48 pm.

MRS P A CHANNER, CC
CHAIRMAN

Children's Play Spaces

Adopted Supplementary Planning Document (SPD)
Maldon District Council
March 2006



Children's Place Spaces**Adopted Supplementary Planning Document (SPD)****March 2006****Contents**

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1. The Purpose and Scope of this SPD

- 1.1 The purpose of this SPD is to set out a formula that allows a developer contribution to be calculated for new housing development. The contribution takes account of the requirement to make room for a play space and provide the necessary equipment on larger developments, whilst also requiring a pro-rata contribution from smaller developments so that all proposals share an equal contribution.
- 1.2 This SPD sets out how policy REC3 in the Maldon District Replacement Local Plan will be implemented and is intended for use by developers, the public and other interested parties. The basic principle of policy REC3 is that new housing development should make provision for public play space as an integral part of the development based on National Playing Fields Association standards. This is to prevent new houses being built without enough room for play space so that children have no opportunity to play safely in their neighbourhood. The intention of the policy is that development should make a proportionate contribution to provision of new play space, or upgrading of existing play spaces, (depending on circumstances) to cater for the demands on play space created by the development of new housing.
- 1.3 The SPD indicates the requirements of different types of children's play space, in relation to residential development and sets out the contribution that should be provided for new development. Separately to this document the Council has prepared strategies for play space, green space and sports fields (Play and Recreation Strategies). Those strategies identify the existing level of provision. They indicate any deficiencies that exist and explain the improvements that are needed to bring everything up to the desired standards.
- 1.4 This SPD will be used in conjunction with the play and recreation strategies. The SPD will set out the level of development contribution that will be required. The play and recreation strategies will identify whether a development contribution is actually required in any particular location. The principle is that, if development is proposed in a location which has a deficiency of provision then a contribution will be required. However, if development is proposed in a location which has adequate provision (and the development does not overload the existing facilities), then no contribution will be required. This approach relies on the play and recreation strategies of the Council being kept up to date. Within this framework the SPD reflects current Government advice and draws on corporate strategies prepared by Maldon District Council.
- 1.5 During the last 20 years the District has experienced significant growth in the residential population, notably in the major settlements. The provision of children's play space has not matched population growth. It is therefore necessary to ensure that shortfalls in provision are addressed. The Council will seek to provide a wide range of children's play space facilities for varied

age groups of children in close proximity to as many residential areas as possible.

- 1.6 In 2005 Maldon District Council is updating a survey of existing play space facilities carried out in 2002. The results of which are set out in appendix 6 of the Replacement Local Plan. This shows that the majority of the villages in the District provide some children's play space, although in many cases they do not meet the adopted standards. This is particularly the case in Maldon, where the large area of children's play space at the Promenade Park disguises the lack of facilities elsewhere in the town.

2. **Policy Context**

(i) National planning context

- 2.1 Policy Planning Statement 12 – Development Plans indicates that Supplementary Planning Documents are an important mechanism to ensure that detailed Local Plan policies are implemented. PPS 12 states that SPD may be taken into account as a material consideration when determining planning applications provided that it is;
 - ◆ Saved against an adopted Local Plan Policy
 - ◆ Subject to appropriate consultation in accordance with the regulations
 - ◆ Formally adopted by the Council and
 - ◆ Regularly reviewed as required.
- 2.2 SPD is therefore a significant tool in translating policies and objectives into provision on the ground.
- 2.3 Planning Policy Guidance Note 17 – Planning for open spaces sport and recreation provides the Government's advice on all aspects of open space sport and recreation. It acknowledges the importance of children's play space as one component of public open space requirements in the local community. The national guidance endorses the need for local assessments to identify deficiencies of provision, to assist with securing additional facilities through the planning process. The PPG and the associated document "Assessing needs and opportunities, PPG17 a companion guide", provide guidance on the use of planning obligations and the use and calculation of commuted sums and developer contributions. The general stance encourages the Local Planning Authority to protect existing facilities, enhance and promote qualitative improvements to existing facilities, to provide new facilities giving priority to areas of deficiency and ensure that adequate provision is made in association with new development.

(ii) National standards

- 2.4 The National Playing Fields Association published a revised “Six Acre Standard” in December 2001. This gives national advice on the standard requirements for all types of play space to encourage provision of an adequate amount of useable open space to cater for all aspects of outdoor recreation. Although the current national thinking, reflected in PPG17, is that play space standards should be local standards based on local assessment of provision and need, the NPFA standards are a useful starting point. They provide useful advice on the detailed requirements for different types of children’s play space. The intention is that all children have the opportunity for access to outdoor play space close to home. Therefore this SPD uses and adapts the NPFA standards for outdoor playing space as a basis for defining provision and demand in the District. The definition and requirements arising from this are set out in section 3 of this document.

(iii) Local planning context

- 2.5 Maldon District Replacement Local Plan policy REC3 is the policy in the Replacement Local Plan which is the subject of this SPD. It is set out in full below:

POLICY REC3 Children’s play space associated with new housing developments and elsewhere in the District

Planning permission for new housing will only be granted if:

Play space is provided in accordance with the adopted standards of the District Council; or

Where all or part of the proposed development lies within 400m of the centre of existing play space; enhancement of that play space is carried out in accordance with the needs generated by the proposed new development ; or

A combination of (a) and (b); or

Where the above cannot be fulfilled, a commuted sum is to be paid to the District Council for the provision or enhancement of children’s play space of the same value to level as provision of the facilities.

Planning permission for new housing will only be granted if children’s play space areas are;

Secure and located where there is good visibility on a pedestrian network accessible by local residents to allow supervision and surveillance;

The space will be equipped according to the standards of the District Council;

It does not result in adverse impact on residential amenity or character of the countryside;

The play space is for public use in perpetuity;

Pedestrian access exists or will be provided via a footpath giving safe access to the site.

Development proposals that do not meet the above standards will not be granted planning permission.

- 2.6 This SPD will assist with the Implementation of the Replacement Local Plan policy, aiming to protect and enhance existing play spaces as well as provide additional facilities with new development and to meet identified shortfalls.

(iv) Corporate strategies

- 2.7 The planning system, through the Local Plan and development control is only one mechanism for providing; enhancing and protecting children's play spaces. Management and maintenance of such facilities goes beyond the remit of planning and involves other Local Authority services, generally led by Leisure and Recreation Departments. Maldon District Council has produced the following strategies which have corporately identified issues addressed in this SPD
- ◆ Outdoor Play Facilities Strategy
 - ◆ Community Plan
 - ◆ Playing Pitch Strategy
 - ◆ Cultural Strategy
- 2.8 These documents have informed the background to the policy in the Replacement Local Plan and will be updated and reviewed in order that this SPD can continue to be used in planning decisions.

3. **Requirements and definitions of children's play space.**

- 3.1 Children's play space is usually just one component of larger parks or areas of formal public open space. The Replacement Local Plan has incorporated public open space standards which are based on a local assessment of provision and need. These are derived from the NPFA standards, taking into account local circumstances. The three large towns and majority of large villages in the District are built to a density of less than 30 dwellings per hectare. In the main the District is sparsely populated with a large number of small communities separated by extensive areas of open countryside. As a result this SPD modifies the recommendations of the NPFA to establish standards that relate the rural settlement pattern in the District to the level of appropriate provision. Two standards are adopted, one for the larger key settlements and another for the rural areas. The children's play space component, also follows the NPFA minimum standards, with local variations.
- 3.2 The NPFA standards for children's play space identifies three levels of play provision; LAP, LEAP, NEAP (see below). Each level of play space must be within a minimum walking distance of the area it serves. The minimum requirements based on the modified NPFA standards are also illustrated in Table 1.
- **Local Area for Play (L.A.P)** A small area of unsupervised open space specifically designed for play activities for young children close to where they live. The target users are mainly 4-6 year olds and any equipment provided should be correctly scaled so as to discourage use by older children.
 - **Local Equipped Area for Play (L.E.A.P.)** An unsupervised play area for children of early school age. The target users are mainly accompanied children between 4-8 years of age. Needs of children under 4 as well as those over 8 should also be considered. Areas should be equipped offering at least 5 types of play equipment. In addition seating for accompanying adults should be provided.
 - **Neighbourhood Equipped Area for Play (N.E.A.P.)** An unsupervised site serving a substantial residential area, equipped mainly for older children, but also including opportunities for younger children's play. The target users are mainly unaccompanied and unsupervised children from 8-14 years of age. Consideration should also be given for slightly younger unsupervised children. Play areas should be equipped offering at least 8 types of play equipment suitable for the intended age range. It should also include a kick-about area and wheeled play area (eg skate boarding). Seating should be provided for adults as well as a teenage meeting area.
- 3.3 A full specification for LAPs, LEAPs and NEAPs is included in Appendix 1 of this SPD.

- 3.4 “The Six Acre Standard” (2) published by The NPFA sets out the walking distance from home and size for the three different types of play space. The standards adopted by this Authority and illustrated in Table 1 modify these standards to reflect the particular circumstances of this District. The NPFA standards are shown in brackets.

TABLE1.

Specification	Time	Walking Distance	Radial (Straight Line) Distance.	Minimum Size Activity Zone	Nearest Dwelling	Characteristics And age group
Local area for play (LAP)	1.5 min. (1min)	140m (100m)	100m (60m)	100m ²	5m from Activity Zone ¹	Small, low key games area (may include “demonstrative” play features) Up to 6 years
Local equipped area for play (LEAP)	7.5min (5 min.)	400m (600m)	400m (240m)	400m ²	10m from Activity Zone ²	5 types of play equipment, small games area 4 –8 years
Neighbourhood equipped area for play (NEAP)	15 min.	1,000m (1700m)	1000m (600m)	1,000m ²	30m from Activity Zone ³	8 types of play , opportunities for ball games or wheeled activities Older children

¹ To the forward-most part of dwelling that faces the LAP

² To property boundary

³ To property boundary

¹ Source: “The Six Acre Standard 2001” by the National Playing Fields Association

- 3.5 The NPFA recommends that for settlements in rural areas the following approach be adopted.
- Settlements of 1000 people or more; full provision of LAP’s, LEAP’s and NEAP’s.
 - 250 to 1000; full provision of LAP’s and LEAP’s with priority being given to a LEAP

- 100 to 250 people; provision for a LEAP plus, for existing housing areas, a casual play area of not less than 100m² and, for new developments, LAP's. These should be located as close as possible to the centre of the newly extended settlement. However, it is recognised that within existing communities the only available land may be orientated towards the extremity of the settlement.
 - Less than 100 people; provision of a casual area of play of not less than 100m² for existing housing areas and LAP's in any new developments. These should be located as close as possible to the centre. However, it is recognised that within existing communities the only available land may be orientated towards one end of the settlement.
- 3.6 This standard suggests that a new development should make provision for the full range of play and recreation space as part of a development setting out the threshold population for each type of facility. It suggests a development with a population of 1000 people would require 1 NEAP, 8 LEAP, 16 LAP and one sports field. However taking account of the rural nature of the district and the high quality environment the Council has modified the six acre standard to a more appropriate level of provision as outlined above.

L.E.A.P.'s

- 3.7 Taking account of the rural nature of the district and easy access to countryside the standard adopted for L.E.A.P's varies the N.P.F.A. standard by substituting the "radial line" distance with the "walking line" distance in Table 1. This effectively reduces the frequency of L.E.A.P provision. Calculating the population served by each L.E.A.P. determines those settlements where L.E.A.P's should be provided.
- 3.8 This approach indicates that Maldon, Heybridge, Burnham, Mayland, Tollesbury and Southminster require L.E.A.P's. The remaining settlements are considered to be rural settlements and should be dealt with using a more relaxed formula.

N.E.A.P.'s

- 3.9 Using the methodology adopted for calculating the standard for L.E.A.P.'s, substituting the "radial line" distance with the "walking line" distance in Table 1 and calculating the population by served by each N.E.A.P using a much-reduced housing density figure determines those settlements where N.E.A.P.'s should be provided.
- 3.10 As the area of land required for this type of facility is quite significant and the separation distance between housing and the N.E.A.P. is large it is

considered that these will be mostly accommodated on land already owned by the District Council.

L.A.P's

- 3.11 LAP's should be provided at frequent intervals on small areas of land located on developments. It is expected that developers, as part of the layout process, will provide these play spaces.
- 3.12 Play pitches such as football, cricket and rugby. These should be provided at a district level to cater for older children as well as adults needing access to sport facilities.

4 Provision of Playspaces and Facilities

- 4.1 The Replacement Local Plan 2005 does not identify any further land for development of new housing. The demand for new play space will arise from the redevelopment of existing sites as identified in the Urban Capacity Study. All the identified sites are physically constrained in terms of accessibility and space to include provision of play space as part of any potential development. There are a large number of "small" sites in the district with potential for less than 10 houses. These account for nearly 30% of the supply of housing in Maldon District.
- 4.2 In the absence of provision for new housing development on undeveloped land the Council will not seek the provision of the actual play and recreation space as part of housing development. Developer contributions will be required where the recreation and play strategies identify a lack of provision in the vicinity of the proposed development and the strategy has identifies a site that can be improved or developed. Developer contribution will not be required where the strategies indicate appropriate provision of facilities in the vicinity of the proposed development. The recreation and play strategies therefore indicate the level of developer contribution in any particular location.
- 4.3 The intention of the SPD is that, subject to a need identified in the relevant recreation and play strategy, smaller development should contribute to the full provision of sports and recreation facilities in proportion to the overall level of provision. Thus a development with a population of 10 should contribute 1/100th of the cost of providing the full range of facilities for a population of 1000.
- 4.4 As this SPD refers to a number of mechanisms for securing provision of play space, it is important that methods of implementation are clearly understood and that sound advice exists for calculating developer contributions. The following definitions apply to the implementation of the

SPD. PPG 17 and the Companion Guide includes some advice on these issues, these are referred to here.

- 4.5 Planning Obligations PPG 17 endorses the use of Planning Obligations to secure the provision of additional facilities. It states “Planning Obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreation provision. Local Authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate, or under threat, or where new development increases local needs.” It is necessary for local Authorities to have undertaken detailed assessments of need and audits of existing facilities and set minimum standards in order to justify Planning Obligations.
- 4.6 Developers’ Contributions These are capital receipts intended to fund a particular quantity of a particular form of new provision, usually off site. Where contributions are sought there is a need for a normalised capital cost per unit of provision to establish the payment required. This cost can include any or all of the following; Land costs and related legal fees; construction costs where appropriate; essential equipment, e.g. play equipment on a LEAP or NEAP.
- 4.7 Commuted Maintenance Sum Taking account of practical implications of agreeing appropriate maintenance payments the District Council does not intend to ask developers for commuted sums to fund maintenance of play facilities. Instead the Council will ask for contributions, either in cash or by way of direct provision of facilities towards achieving the Outdoor Play Facilities Strategy.
- 4.8 Programming of provision Developer contributions will be used together with funding from the District Council to upgrade existing play spaces and establish new play spaces on land currently under the control of the District Council. These play spaces will be located in the settlements where the under-provision of L.E.A.P.’s or N.E.A.P.’s outlined in section 3 has been identified.
- 4.9 Provision will be prioritised having regard to:
 - ◆ Need as assessed by the lack of facilities in a particular area.
 - ◆ the available financial resources generated by developer and other contributions in each settlement and
- 4.10 The establishment and adoption of LEAP’s or NEAP’s secured through the construction of a large residential development will be in addition to those provided through developer contributions and will be subject to opportunities arising..
- 4.11 Funding

5 **Application Of The Play Space Standard and Calculation of Commuted Sums for the provision of Play Spaces.**

- 5.1 The play space standard is based on the estimated population that a new development will generate. This population is estimated using the occupancy standards listed in table 2 below. These occupancy standards are used to calculate the threshold figures set out in table 3.

TABLE 2

Dwelling size (No. of rooms excluding hallways larders Etc)	Occupancy (average)
3	1.4
4	1.7
5/6	2.4
7+	2.9

This information is derived from the 2001 census and may be subject to revision.

- 5.2 A development scheme population can be calculated using the information listed in table 3. Developments with a projected occupancy that equates to the threshold population for each of the play space types listed should seek to provide that facility on site.

TABLE 3

Type of play space	Minimum size of facility (excluding buffer zone)	Threshold population (derived from the 6 Acre standard)	m ² per person	m ² per person x dwelling size			
				(no. rooms)			
				3	4	5/6	7+
1 x Youth/Adult	8,100m ²	470	17.0	24	29	41	49
1 x LAP	100m ²	62	1.6	2	3	4	5
1 x LEAP	400m ²	124	3.2	4	5	8	9
1 x NEAP	1,000m ²	1,000	1.0	1	2	2	3
1 x Casual Play Space			1.0	1	2	2	3

- 5.3 It is accepted that some types of accommodation such as sheltered accommodation for the elderly are unlikely to create demand for play space.

This type of development will not be expected to make a contribution to play space provision.

- 5.4 Where the site population of a development scheme falls between or below the threshold for a type of play area (e.g. a site population of 30 would generate a requirement for half a LAP), the following approach will be applied:-
- 5.5 The area of the different play types in excess of the minimum sizes, from the last two columns of table 3 should be treated as follows:
- 5.6 The partial provision of youth/adult, N.E.A.P.'s and L.E.A.P.'s should be used to increase the size and quality of the nearest proposed or existing play area, identified in the Play Space Strategy of Maldon District Council.
- 5.7 Excess identified for LAP's should be used to enlarge a proposed area of casual play to provide a defined play area.
- 5.8 In calculating the provision of play space it is important to take accessibility into consideration. Simply enlarging or up grading the nearest play area may not necessarily increase provision if that play area has a full range of equipment but is shared by a larger community. In such cases developers should seek to work with the Council to identify alternatives where possible.

Commuted Payments For Off Site Provision

- 5.9 The District Council acknowledges that due to the lack of green field development opportunities in the Replacement Local Plan, on site provision may not be feasible, particularly where development is required to provide larger play areas. In such cases, the Council will seek to negotiate a planning obligation under Section 106 of the Town and Country Planning Act 1990. This obligation enables developers to make a contribution towards the provision of suitable off site play space in lieu of direct provision within the development site where there are identifiable and appropriate opportunities for providing new play space or upgrading existing play space in accordance with the Play Space Strategy (see table 4). In calculating commuted sums, the Council will have regard to existing facilities that could serve the development.
- 5.10 Where existing play facilities with sufficient capacity to absorb the increased level of use generated by the proposed development meet the Council's play space requirements; the Council will not require duplicate provision.

TABLE 4

LAP	It will not be possible to commute provision of LAPs as they cannot functionally be located outside of the development.
LEAP/NEAP	Commutated payments will be accepted where there are appropriate and identifiable opportunities for providing new or improved play space.
YOUTH/ADULT	It will be unlikely that youth/adult play space will be provided on site except on the largest developments. In most cases therefore, the Council will negotiate a commuted payment for off site provision. All residential development is therefore required to make provision for this type of provision, irrespective of any existing facilities within the locality.

Calculating Commuted Sums Required

- 5.11 The amount of contribution sought will be based on estimated costs for land, design, layout and equipment calculated as a figure per dwelling type for youth/adult facilities, L.E.A.P.'s and N.E.A.P.'s. In cases where a proposed development is sufficiently large enough to provide an element of on site play space provision to the minimum size and design requirements, then these will be discounted from the commuted sums to avoid duplication of provision.
- 5.12 Table 5 sets out the level of commuted sums. This information is correct at the time of publication of this document and will be reviewed annually to take account of increases in costs, and any future changes at national level or in the Council's own policies regarding health and safety inspections. The purpose of table 5 is to provide a baseline for negotiation.

TABLE 5

Dwelling type/ No. rooms	Average occupancy*	Youth/ adult play	NEAP	LEAP	Total**
		£	£	£	£
3	1.4	178	176	845	1,199
4	1.7	216	213	1,026	1,455
5/6	2.4	305	301	1,448	2,054
7+	2.9	368	364	1,750	2,482

*2001 Census

- 5.13 To calculate the appropriate amount of commuted sum payment for a particular scheme developers should:
- ◆ identify the total population of the proposed site and level of play space required using table 3,
 - ◆ identify which of the full range of required play spaces are able to be provided on site,
 - ◆ identify the level of requirement required off site, and, together with officers of the Council identify whether there are any existing play facilities (see appendix 1 and plan 1) which fulfil the relevant play space requirements
 - ◆ check distances and times as set out in table 1, and have the capacity to cater for the demand generated by the proposed development.
- 5.14 Where provision for play space cannot be accommodated on site, or at appropriate existing facilities, developers should:-
- ◆ Establish, together with officers of the Council, whether there are any viable opportunities for alternative facilities to be provided off site in locations which would fulfil the relevant play space requirements as set out in table 1.
 - ◆ Calculate the appropriate commuted sum by multiplying the number of dwellings by the sum given in table 5 for the play space types that it has been agreed can be provided off site.
- 5.15 Monies collected via commuted sum payments will be held in a discrete fund. Payments for N.E.A.P.'s and L.E.A.P.s will be spent on the most appropriate facility to the proposed site. Payments for youth/adult provision will be used to fund borough wide projects.
- 5.16 Financial Contributions The contributions collected will be used to finance the provision of either LAP's, L.E.A.P.'s or N.E.A.P.'s or the upgrading from a LEAP to a NEAP located within the same settlement as the development making the contribution in accordance with the Play Space Strategy.
- 5.17 Specified villages where developments are the subject of commuted sums. Developers will be expected to contribute to the cost of providing these facilities in relation to the number of dwellings being constructed either by:
- (a) Making a financial contribution to cover the cost of providing a site and equipping the site to NPFA standards as well funding the future maintenance of the site or
 - (b) Providing a site for a play space and equipping it to NPFA standards or

(c) Providing the necessary improvements directly to an existing play facility in accordance with the Outdoor Play Facilities Strategy.

- 5.18 A combination of (a) (b) and (c) allowing the developer to satisfy the LPA's requirement with a mix of fixed assets and funding.
- 5.19 If the funds collected cannot be used within five years of occupation of the development they will be returned.

6 Abstract of Play Space Strategy.

- 6.16 Contributions will be required in Maldon, Heybridge, Mayland, Southminster, Burnham on Crouch and Tollesbury. Contributions will only be used to support the creation of play spaces in the villages where the development takes place.
- 6.17 Rural Communities. In those settlements not large enough to support the provision of a LEAP or NEAP the District Council will assist in funding either the provision of new facilities or the improvement of existing facilities under a Grant Scheme operated by this Authority. In these instances funding assistance will be determined following the receipt of an application from the Parish Council. The applications will be considered in relation to the District Councils capital expenditure programme for the following financial year. Decisions on those applications will also be made having regard to the following priorities
- 6.18 Provision of play facilities in settlements where no facilities currently exist will have the highest priority

APPENDIX 1

Specification for Local Area for Play (L.A.P.)

It caters for children for up to 6 years of age

It is within 1min walking distance from home.

To be positioned beside a pedestrian pathway on a route that is well used.

It occupies a reasonably flat site that is well drained with grass or a hard surface

It has an activity zone a minimum of 100m² in area

It contains features that enable children to identify the space as their own domain, for example, a footprint trail, a mushroom style seat or a model of an animal or insect

A buffer zone of 5 metres minimum depth, is provided between the activity zone and the forward most part of the nearest dwelling that faces a LAP. Gable end or exposed walls should be protected from use for ball games by, for example, providing a strip of dense planting of 1 metre in depth.

The buffer zone includes planting to enable children to experience natural scent, colour and texture.

Some individual seats provided for parents and carers

It has a 600mm high guard-rail or similar low level fence around the perimeter (either within or adjacent to areas of planting) to prevent access to the play area by dogs.

It has a barrier to limit the speed of child entering or leaving the facility.

It has a sign to indicate that the area is solely for use by children, that adults are not allowed unless accompanied by children and that dogs should be excluded.

It is overlooked by nearby houses.

The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard.

Specification for Local Equipped Area for Play (L.E.A.P.)

It caters for children of 4-8 years in age.

It is within a walking time of 5 minutes from home

To be positioned beside a pedestrian pathway on a route that is well used.

It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

It has an activity zone a minimum of at least 400m² in area.

It contains at least 5 types of play equipment, of which at least two are individual pieces rather than part of a combination. Each item is designed to stimulate one of the following

Balancing e.g. beams, stepping logs, clatter bridges, or graphic line elements.

Rocking e.g. see-saw or spring animals

Climbing or agility, e.g. frames, Dnets, overhead bars, or angled climbers.

Sliding, e.g. traditional slides, straight or angled "fire fighters" poles.

Social play, e.g. sheltered areas or child seating

Additional items might focus upon rotating, swinging, jumping, crawling, viewing, (e.g. ground graphics) counting or touching (e.g. sand and water)

There is adequate space around the equipment to enable children to express their general exuberance and play games of "tag" and "chase".

It has fencing, if the site is not already adequately enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward opening and self closing , pedestrian gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying).

It has a barrier to limit the speed of the child entering or leaving the facility

Privacy of neighbouring residential gardens is protected

A buffer zone, not less than 10 metres in depth, is provided between the edge of the activity zone and the boundary of the nearest property containing a dwelling. Normally a minimum of 20 metres should be provided between the activity zone and the habitable room façade of the dwelling. Where the minimum distances apply, careful consideration needs to be given to

The design of the means of enclosure planting scheme and/or other physical features on the boundary of the residential property and

The siting of the play equipment within the activity zone (to preclude opportunities for overlooking nearby gardens and a consequential loss of privacy for residents.

The buffer zone includes planting to enable children to experience natural scent, colour and texture.

Some seats are provided for carers and parents

It has a notice to indicate:

That the area is solely for use by children

That adults are not allowed unless accompanied by children.

That dogs should be excluded

The name and telephone number of the operator of the facility to report any incident or damage to the play equipment.

It has a litter bin.

The area of the activity zone contributes to meeting the children's playing space part of the Six Acre Standard

Specification for Neighbourhood Equipped Area for Play (N.E.A.P.)

It caters for predominately older children

It is well within a walking time of 15 minutes from home.

It is positioned beside a pedestrian pathway on a route that is well used.

It occupies a site that is well drained with grass or a hard surface and features an appropriate impact-absorbing surface beneath and around the play equipment.

It has an activity zone a minimum of 1000m² in area that is divided in two parts; one containing a range of play equipment and the other provided with a hard surface of at least 465m² (the minimum area needed to play five-a-side football).

It contains at least 8 types of play equipment comprising:

At least 1 item to stimulate rocking, touch, social or developmental play among younger children.

At least 2 items to facilitate, sliding, swinging or moderate climbing.

At least 5 items, of which at least 3 are individual pieces rather than in combination, to encourage either more adventurous climbing, single point swinging, balancing, rotating, or gliding (e.g. aerial runway).

There is adequate space around the equipment to enable children to express their general exuberance and play games of “tag” and “chase”.

It has fencing, if the site is not already enclosed, of at least 1 metre in height around the perimeter of the activity zone with two, outward opening and self-closing, pedestrian gates on opposite sides of the space (to deter entry by dogs and to restrict opportunities for bullying)

It has a barrier to limit the speed of a child entering or leaving the facility

A buffer zone, of 30 metres minimum depth is provided between the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be needed where purpose-built skateboarding facilities are provided.

The buffer zone includes planting to enable children to experience a part of the “natural” environment.

Some individual seats are provided for parents or carers in the vicinity of the play equipment and other seating is provided within the hard surfaced games area.

It has a notice to indicate:

That the area is solely for use by children.

That adults are not allowed in the equipped space unless accompanied by children

That dogs should be excluded

The name and telephone number of the operator of the facility to report any incident or damage to the play equipment.

The location of the nearest public telephone.

It has litter bins at each access point and in proximity of each group of seats.

It has convenient and secure parking facilities for bicycles.

The area of the activity zone contributes to meeting the children’s playing space part of the Six Acre Standard

APPENDIX 2**Catchment Areas for LEAP's and NEAP's and funding requirements.**

In order to determine whether the provision of a play space can be justified in terms of "user intensity," the SPG aims to establish a population threshold for the provision of children's play facilities. The determination of the threshold relies on a modification of the of the NPFA standards for the provision of LEAP's and NEAP's.

To reflect the particular circumstances of this District and ensure a balance between frequency of provision and intensity of use in established residential areas the "walking distance" stated in Table 1 has been used as the "radial line distance".

Catchment Areas**L.E.A.P.'s**

Area served (1)	400m from centre of play space comprising 50 ha.
Dwelling density (2)	30 dwellings per hectare
Occupancy rate	2.6 persons per dwelling

Minimum population served by L.E.A.P. 3900 persons

N.E.A.P.'s

Area served (1)	1000m from centre of play space comprising 314ha..
Dwelling density (3)	15 dwellings per hectare
Occupancy rate	2.6 persons per dwelling

Minimum population served by N.E.A.P. 9400 persons

- (1) The area served in both cases uses the walking line distance stated in the NPFA standards to determine the area served by the respective play areas.
- (2) Density reflects the low end of the density range suggested by PPG3.
- (3) Density reduced to reflect the fact that in this District an area of 300ha is likely to be developed at a density of no more than 15 dwellings to the

hectare.

Relating these statistics shows that L.E.A.P's can only be justified in the settlements of Maldon, Heybridge, Mayland, Burnham, Southminster and Tollesbury.

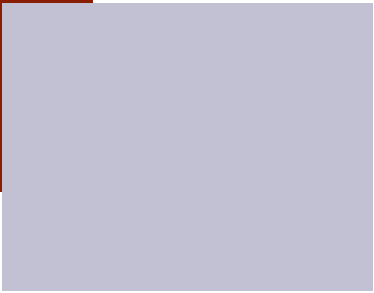
N.E.A.P's require a larger investment and serve a larger population and only 5 or 6 N.E.A.P's are required in the District located in the major population centres.

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MALDON DISTRICT
**Developer
Contributions
Guide**



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Introduction

Developer contributions are normally secured through planning obligations under section 106 of the Town and Country Planning Act 1990 which are typically agreements between local authorities and developers negotiated in the context of granting planning consent. They were introduced to secure improvements not coming forward under conditions of planning permission.

Through this mechanism developers contribute towards sustainable communities and help ensure the success of new developments. They can make cash or in-kind contributions towards a range of infrastructure and services including local roads and public transport schemes, public spaces, community facilities and affordable housing.

The purpose of this document is to set out Maldon District Council's approach to seeking developer contributions when considering planning applications. It brings together the policy approach of Central Government and the development plan context as in the adopted Maldon District Replacement Local Plan and the Essex and Southend-on-Sea Replacement Structure Plan.

The document represents a guide to Maldon District Council's adopted position in relation to negotiations it will undertake to secure appropriate developer contributions as part of planning approvals.

The guide is consistent with current national planning policy and guidance and with the Development Plan. It has not been adopted as a supplementary document under the Planning and Compulsory Purchase Act 2004 as it does not elaborate existing adopted policy. Rather it represents an interim guide reflecting Maldon District Council's current adopted policy position with regard to Developer Contributions.

The District Council has now commenced preparation of a Local Development Framework part of which will be the adoption of a Core Strategy by October 2008. Following this adoption the District Council have timetabled the production of a Developer Contributions Supplementary Planning Document which will elaborate policy within the Core Strategy.

This interim guidance will therefore apply to saved Development Plan policy until replaced by the Core Strategy of the Local Development Framework. As the guide does not elaborate policy it has not been the subject of additional consultation, outside the Development Plan consultation processes, other than with key stakeholders.

Central Government Legislation and Guidance

The Government views developer contributions as a means of enabling a proposed development to proceed and to meet any increased needs of the local community associated with the new development. It is seeking to improve the operation of the system of obligations, by promoting greater speed, certainty, openness and accountability. The statutory basis of developer contributions is section 106 of the 1990 Planning Act, which allows anyone interested in land to enter into an obligation (legal agreement) that regulates the development of the land in some way or requires a financial contribution.

This is further elaborated in ODPM Circular 05/2005 'Planning Obligations' July 2005 which states that developer contributions should only be sought where they meet the following tests:

1. relevant to Planning;
2. necessary ie they are necessary to make a proposal acceptable in land use planning terms;
3. directly related to the proposed development;
4. fairly and reasonably related in scale and kind to the proposed development;
5. reasonable in all other respects.

Developer contributions may relate to matters other than those covered by a planning permission, provided there is a direct relationship with the planning permission. However, they should not be sought where this connection does not exist or is considered too remote. There should be a functional or geographical link between the development and the item being provided as part of the contribution.

Acceptable development should never be refused because an applicant is unwilling or unable to offer unrelated benefits. Unacceptable development should never be permitted because of unnecessary or unrelated benefits offered by the applicant.

All planning applications must be determined on their own merits and contributions sought only if they are necessary to proceed. Developers should not be expected to pay for facilities that are needed solely in order to meet existing deficiencies. In summary contributions aim to mitigate the impact of proposals where the development itself is in other respects acceptable.

Central Government Legislation and Guidance

The Government has addressed transparency issues through 'Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2002 [Statutory Instrument 2002 no 828]' which came into effect on 1 July 2002 and requires details of the planning obligations for each development to be published in both Parts I and II (before and after the grant of planning permission as appropriate) of the local planning authority's Planning Register. In recent years the Government has also issued a number of consultation papers with a view to reforming developer contributions.

Given the statutory basis there are two ways in which the seeking of contributions must be justified - planning policy and need. These are elaborated in sections 3 and 4.

A developer may apply to modify a Section 106 agreement and has the ability to appeal to the Secretary of State against a Council's refusal to modify a section 106 agreement after 5 years. This replaces the need to go through the Lands Tribunal set out in an earlier Circular (01/97).

The Local Planning Policy Context

The development plan represents the current adopted planning policy position for which this guide is written.

The Essex and Southend-on-Sea Replacement Structure Plan (adopted April 2001) provides the relevant development plan policy context at county level for development proposals in Maldon District. Policy BE5 identifies the need for developers to contribute towards the infrastructure costs of their proposals.

POLICY BE5 states:

'Development will not be permitted unless it makes provision for community facilities, public services, transport provision, infrastructure, environmental works and any other requirements which are made necessary by and are directly related to the proposed development. The requirements will be set out in adopted local plans, Local Transport Plans and/or development briefs and will be negotiated when determining planning applications.

Developers will be required to finance the full cost or if appropriate a contribution towards the full cost of all such provision which is fairly and reasonably related in scale and kind to the proposed development and its impacts on the wider environment. This provision will be subject to planning obligations which will be secured prior to the issue of planning permission. These obligations will specify the nature and timing of all provision, both on and off a development site, made necessary by the development concerned '.

The policy is supported within paragraphs 8.15 - 8.17 of the Structure Plan.

The adopted Maldon District Replacement Local Plan (2005) adopts a more focussed approach to directing the specific use of developer contributions in relation to a number of topic based policies. These are:

- | | |
|------|--|
| CC1 | Development Affecting an Internationally Designated Nature Conservation Site |
| CC2 | Development Affecting a Nationally Designated Nature Conservation Site |
| H9 | Affordable Housing |
| REC3 | Children's Play Space Associated with New Housing Developments and Elsewhere in the District |
| PU1 | Provision of Education Facilities |

These policy priorities are explained in more detail in section 6 of this guidance.

Need

Local needs identified via the Local Strategic Partnership are important when considering the nature of developer contributions. These are set out within the Maldon District Community Plan. The priority issues arising from consultation in this community planning process have been distilled into six themes presented in the Community Plan itself as follows:

COMMUNITY SAFETY

To reduce both the level and the fear, of crime to make our community a safer place to live, work and relax.

HEALTH, SOCIAL CARE & HOUSING

To maintain and improve the health, wellbeing and quality of life of everyone in Maldon District, especially amongst those whose health is poorest. To improve access to appropriate local housing.

TRANSPORT & ACCESS

To improve the provision and integration of all modes of transport and access to services and facilities within the District.

EDUCATION, TRAINING & EMPLOYMENT

To enhance educational achievement, lifelong learning and training and to support a thriving local economy that provides jobs.

ENVIRONMENT & PLANNING

To improve our quality of life and enhance, protect and preserve both our local and the wider environment for now and future generations.

LEISURE & RECREATION

To provide everyone with high quality opportunities for leisure, recreation, relaxation and culture throughout the District.

The Community Plan is being reviewed with the intention of producing a new Plan in early 2007. As part of this process needs may be expressed differently in future.

Need

In May 2006, the District Council adopted a new corporate vision of "Creating a District which takes pride in itself". This new vision is supported by the following four key external priorities:

SUPPORTING AN ACTIVE LOCAL ECONOMY

PROTECTING OUR RURAL HERITAGE

INCREASING THE AFFORDABLE HOUSING SUPPLY

PROMOTING CIVIC PRIDE

The new vision will underpin production of the Local Development Framework. Together with the new objectives, it supports many of the policies and proposals in the adopted Maldon District Replacement Local Plan.

Other plans and strategies have been used to help define development plan policy and can assist in providing background to issues when assessing developer contributions. These are usually topic based and will include:

- the Maldon District Housing Strategy;
- the Maldon District Recreation Strategy;
- the Maldon District Playing Pitch Strategy;
- the Essex Local Transport Plan (LTP2);
- the Essex Biodiversity Action Plan.

Such strategies provide a rationale and justification for both the principle and the relevant mitigation measures contained in a developer contribution and will be referred to as appropriate.

Making a Contribution

The assessment of need is carried out according to the subject. The steps in assessing the need and scale of developer contributions are:

- determining the nature, extent and timing of the impacts;
- establishing appropriate infrastructure standards;
- identifying those areas where there are infrastructure shortfalls or spare capacity and measuring the extent of the shortfalls or spare capacity;
- measuring impacts against standards in order to calculate appropriate mitigation;
- costing the mitigation measures and determining the timing of their delivery.

A developer contribution is established within an agreement between a developer and the District Council, and other parties as necessary. It can identify activities or work to be carried out on-site or financial contributions, revenue or capital, to be made. Where available it should be based on standard charges or formulae, elsewhere by negotiation on a case by case basis.

Where unacceptable impacts are identified on public infrastructure, contributions will be required by public agencies to address these. In some cases the developer will be asked to undertake the work directly. In other cases a facility may be required that is then run by a public or other agency. Some contribution to these running costs or in other cases maintenance costs may be required.

It is open to a developer or other interested person to make a contribution by way of a unilateral undertaking. This does not require the agreement of the local authority. These are appropriate for financial contributions in certain circumstances. In other respects the considerations set out in this guide apply.

The developer contribution process must be transparent, efficient, consistent and effective. The developer contribution will be finalised within a section 106 agreement, or unilateral undertaking, prior to a report on a planning application being placed before the planning committee. Exceptions to this procedure are only likely where the development is particularly complex or large. The scale and scope of a contribution will be negotiated, in relation to the specific circumstances of the development, including viability. Where a developer indicates that infrastructure costs are considerable and a S106 contribution will make the development of the site unviable or a lesser degree

Making a Contribution

of provision is being promoted by the developer, then the Council will require documentary evidence of those infrastructure costs or other unforeseen costs that are put forward at the time of any preliminary discussions. An 'open-book' approach to financial assessment will be encouraged.

The contributions will in each case be related directly to the scale of the impact or scale of development. A major development will trigger thresholds of provision in its own right. Smaller developments may make a quantifiable impact that cumulatively with other small developments will trigger a threshold. In such cases a contribution will be called for and pooled until provision is cost effective.

In some circumstances contributions may be a significant factor in development viability. However they remain a necessary cost of development and need to be identified as such by potential developers. Hence it will be expected that the likely cost of contributions be fully reflected in negotiations from the start of the development process. In limited circumstances, if a developer considers that the cost of the contribution, renders the project unviable then the Council, at its own discretion, may review the range and nature of contributions that would normally be sought. Such a review is likely to be considered where a development is seen as offering planning benefits separate to those normally required by a contribution. In order for this review to take place the developer will be required to make available the financial appraisal that gave rise to the conclusion. The Council will require its reasonable costs in reviewing the viability to be met by the party seeking review. Where a developer indicates that infrastructure costs are considerable and an S106 contribution will make the development of the site unviable or a lesser degree of provision is being promoted by the developer, then the Council will require documentary evidence of those infrastructure costs or other unforeseen costs that are put forward at the time of any preliminary discussions.

The Council will expect its reasonable costs in drawing up the agreement and in monitoring the agreement to be met by the developer. The Council will use its best endeavours to minimise these costs to specify them at the earliest possible opportunity in the application process and wherever possible set out a timetable for the steps it will take in dealing with the application and agreement.

Making a Contribution

The main features of the approach are:

- potential developer contributions will be raised at pre-application discussions;
- planning applications will be assessed against planning policy and expressed need in order to identify appropriate contributions;
- developers will be invited to discuss contributions early in the process;
- draft agreements will be prepared for the agreement of developers when registering an application other than in exceptional cases.

Maldon District Priorities

6.1 Environment

The adopted Structure Plan includes policies that seek to protect the quality of the County's environment against inappropriate development, **Policy NR1 requires development to respect its setting**. Development will not be permitted that would cause permanent destruction or damage to the character of the landscape. Other relevant policies include:

- NR6: Development that would adversely affect designated sites will not be permitted. If there is a risk of damage, obligations may be sought to secure future site management or to made compensatory provision elsewhere.
- NR7: Additional natural habitat sites will be protected by identification in the local plan, or during the consideration of development proposals.

The Maldon District Replacement Local Plan sets out the District Council's commitment to enhancing and safeguarding the environment. Two policies, focussed on the District's most prized wildlife sites refer to the potential use of developer contributions to seek environmental benefits. These are:

'CC1 DEVELOPMENT AFFECTING AN INTERNATIONALLY DESIGNATED NATURE CONSERVATION SITE

Development likely to have a direct or indirect effect on a Ramsar site, Special Protection Area or Special Area of Conservation will not be permitted unless it is necessary for reasons of overriding public interest. Any such proposals will be subject to the most rigorous examination. Where development is permitted the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the sites nature conservation interest and to secure any compensatory measures and appropriate management that may be required.

CC2 DEVELOPMENT AFFECTING A NATIONALLY DESIGNATED NATURE CONSERVATION SITE

Development likely to have a direct or indirect effect on a National Nature Reserve, Site of Special Scientific Interest or Environmentally Sensitive Area will not be permitted unless the need for the development clearly outweighs the importance of the site or the effects can be satisfactorily mitigated. Where development is permitted the use of conditions or planning obligations will be considered, to avoid and/or minimise harm to the site, to enhance the sites nature conservation interest and to secure any compensatory measures and appropriate management that may be required'.

Maldon District Priorities

In pursuing policies CC1 and CC2 the District Council may seek agreements to regulate land use in the interests of the Environment, or seek capital contributions to secure mitigation, compensatory provision or enhancement of existing sites and resources.

The identification of specific mitigation measures to address the potential impact of a proposed development on the nature conservation and amenity value of the development site and the wider area will be assessed on a site-by-site basis. Impacts on the environment are directly related to the detailed nature of a particular proposal, and in most cases, given the policy requirement for an Environmental Statement to accompany any application that adversely affects the environment, both the impact and proposed extent of mitigation will be identified by the applicant.

The District Council will assess the appropriateness of the proposed mitigation as part of its normal consideration of the application. A developer may select to undertake the mitigation works. Alternatively it may be appropriate for the developer to make a financial contribution to the District Council. In this instance, a fully costed appraisal will need to be prepared by the applicant, to include provision for the long term maintenance should this be appropriate.

Contributions may be used to:

- secure compensatory habitat provision to mitigate the impacts of development;
- secure improvements to a site as part of a development proposal;
- secure proper provision for the long-term future of a site and its maintenance;
- secure contributions towards the management and maintenance of a site that is adversely affected by a development proposal;
- secure the use of appropriate sustainable development technologies and techniques;
- secure improvements to the setting or environs of the development including enhancements to the public realm and historic structures;
- secure facilities for waste management or their enhancement.

The financial contributions referred to above will relate to a particular off-site scheme and the planning application will be required to be accompanied by a statement to clarify the precise nature of the mitigation works required to address the impacts associated with the development.

Maldon District Priorities

6.2 Affordable Housing Circular 6/98 Planning and Affordable Housing and Planning Policy Guidance 3 (PPG3): Housing 2000 sets out the Government's policy on how the planning system can contribute to the overall supply of affordable housing. It should be noted that the Government is shortly to be issuing revised guidance in the form of PPS 3.

Affordable housing need is a material consideration in considering planning applications and should be taken into account in formulating development plan documents.

Maldon District Council seeks to balance the needs of the community by ensuring there is adequate affordable housing provision for households whose incomes are not sufficient to enable them to purchase or rent suitable accommodation in the local market.

To this end the District Council has produced a separate guide addressing the provision of Affordable Housing, adopted in December 2005 and it should be read in conjunction with this guide in considering development contributions for affordable housing.

The Affordable Housing Guide includes reference to the District Council's stated policy position within the Maldon District Adopted Local Plan (Policy H9 Affordable Housing).

6.3

Children's Play Spaces Maldon District Council is concerned that effective play space provision is in place to recognised standards for the children and young people of the District. The District Council expects that new development will make an appropriate contribution to that provision particularly where deficiencies are identified.

In March 2006 the District Council adopted a Children's Play Spaces Supplementary Planning Document to elaborate policy REC3: 'Children's Play Space Associated with New Housing Developments and Elsewhere in the District' within the adopted Maldon District Replacement Local Plan.

The SPD is designed to ensure adequate facility provision is contributed alongside new development or is already in place before development goes

Maldon District Priorities

ahead. It identifies the strategy used in identified need, the standards to be applied and a calculation of contribution. This guide should therefore cross refer to the SPD when considering the provision of Children's Play Spaces.

6.4

Transport Infrastructure The need to mitigate the impact of development on transport infrastructure and to improve road safety, reduce travel and encourage sustainable means of transport are fundamental to the good planning of the District and have a high Government priority.

Any development proposal will be expected to provide for safe and convenient access for all appropriate modes to a high standard. In many cases this will be achieved within the development site and will be addressed via planning conditions. Elsewhere, the scale or location or nature of the use may necessitate off site intervention in order to enable the development to go ahead. In some of these cases a condition, precluding development until such investment has been made may be appropriate. In other cases a financial contribution will be sought that will enable the improvements to the infrastructure to proceed prior to or in parallel with the proposal. The Highway Authority may allow the developer to carry out such works on highway land in certain circumstances, in lieu of a financial contribution.

Structure Plan policy BE 5 is the overarching policy requiring developer contributions for transport provision and infrastructure 'set out in adopted local plans, Local Transport Plans and/or development briefs.

Strategic transport priorities for Maldon District are set out in detail in the Essex Local Transport Plan 2006/11 (LTP2). Maldon District lies within the 'Chelmsford and the Heart of Essex' area focussing on Chelmsford as a regional interchange centre. The key priorities for Maldon District are:

- public transport improvement particularly accessibility to town services and amenities from remoter rural areas. Continued focus is required on the Dengie Village Link and Blackwater bus links;
- congestion issues on the A414, B1018 and junctions associated with the urgent need to link the Maldon area effectively with the A12/Great Eastern corridor;

Maldon District Priorities

- renewed focus on the promotion of the Crouch Valley Community Rail Partnership.

LTP2 considers the role of Development Control Funding and specifically states:

'...at least £10 million a year is realised (across Essex) either as money passed to the County Council or as works undertaken by the developer. This level will increase over the life of the second LTP given the scale and the level of completions presently coming through the planning process'.

Policy T2 of the adopted Maldon District Local Plan 'Transport Infrastructure in New Developments' identifies more local transport requirements of development:

1. The layout of new developments will where appropriate provide for:
 - (a) Safe access to and from the highway including adequate visibility and junction capacity;
 - (b) Off site improvements to the highway;
 - (c) Facilities giving priority to public transport, pedestrians and cycling;
 - (d) Road layouts which are appropriate to the location and provide a safe and pleasant environment;
 - (e) Improvements to rail infrastructure;
 - (f) Links to the adjacent or nearby foot/cycle path network and the road system;
 - (g) Promotion of social inclusion and accessibility.
2. Larger scale development that requires a travel assessment must include and implement a Green Travel Plan.

In addition to Policy T2, Policies T4 Cycle Routes, T5 Cycle Parking provision in new developments, T6 Improvement to Pedestrian Facilities, and T7 Shared Car Parking in New Development are also relevant,

A developer may also enter into a planning obligation with the Local Highway Authority and the Local Planning Authority for improvement works to local roads.

Maldon District Priorities

Contributions from major development proposals (more than 10 dwellings or 1000 sq. m.) will be based on a package approach related to corridors, as set out in the LTP. This will continue to form the basis of the approach to the assessment of development impact and mitigation measures.

6.5 Education

The basis for developer contributions for education is policy BE5 of the adopted Structure Plan. The detailed approach to considering contributions for education is contained in the Essex County Council Supplementary Planning Guidance (SPG), 'Developer Contribution Guidelines'. The District Council has not adopted the SPG as its own policy but will apply the principles in the SPG as an expression of Structure Plan policy, in appropriate cases. The County's SPG should therefore be referred to in such cases.

Competing Demands on Development Contributions

When considering the emphasis to be placed on each of the priorities set out in section 6 in an assessment of appropriate developer contributions Maldon District Council will adopt the following approach.

1. For housing applications contributions will generally be prioritised in the following order:
 - Affordable Housing
 - Infrastructure
 - Environment
 - Children's Play Spaces
 - Education
2. For most other applications contributions will be prioritised towards infrastructure and environment
3. An element of discretion will be retained to consider applications which have specific or unusual characteristics for which the above prioritisation may not be appropriate.

It is considered that by setting out the above approach to developer contributions it will be clear to developers and other interested parties the areas to which Maldon District Council gives highest priority.

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MALDON DISTRICT COUNCIL

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This document is available in
larger print, braille and audio. It
can also be viewed on our
website: www.maldon.gov.uk

APPENDIX 2

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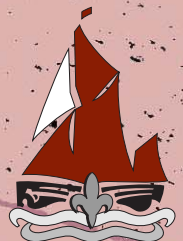
Accessibility to Buildings

APPENDIX 3



MALDON
DISTRICT
LOCAL
DEVELOPMENT
FRAMEWORK

ADOPTED
SUPPLEMENTARY
PLANNING
DOCUMENT
(SPD)



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Accessibility to Buildings**Contents**

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Introduction 1

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

1 Introduction

- 1.1** It is a strategic objective of the Maldon District Replacement Local Plan to create a sustainable and accessible environment in which living, working and leisure encourages pride in the District, recognising its important historic qualities. (Objective Svii).
- 1.2** The Local Plan requires that all new development should include access for disabled people i.e:

Policy BE2: Inclusive Access and Accessibility

Development where access by people with disabilities is necessary must incorporate the following features:

- a. Car parking specifically designed and allocated close to the entrance of the building in accordance with the adopted standards;
- b. Access from the car park and other access routes to the entrance of the building designed for use by people with disabilities, including wheelchair users;
- c. The layout of any associated street furniture suitable for use by people with disabilities;
- d. Facilities that take into account the needs of people with disabilities for transport to and from the site.

- 1.3** The purpose of this Supplementary Planning Document (SPD) is to encourage all parties involved in the planning and development process to recognise the benefits of, and bring about, inclusive design to ensure that no individual or group is disadvantaged by our built environment.
- 1.4** The Local Plan contains a number of statements and policies which seek to ensure that Maldon has accessibility at the forefront of its considerations. Development in Maldon is also governed by detailed Regulations made under the Building Act 1984 and there is a wide range of advice and recommendations in BS 8300:2001 *"Design of Buildings and their approaches to meet the needs of disabled people – Code of practice."*
- 1.5** This SPD builds upon the Local Plan policies and makes reference to those detailed documents but it does not seek to repeat their content. It seeks to ensure that anyone carrying out development in the District is aware of the aims of the Council to achieve an inclusive environment. It sets out the procedures adopted by the Council to ensure that all development proposals are considered from the outset with accessibility in mind and focuses on the role of developers and the Council in ensuring that our built and natural environment is accessible to all who live in, work in or visit the Maldon District.

1 Introduction

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

- 1.6** The initial draft of this SPD was the subject of an informal consultation with the local access group as listed in Appendix 1. The SPD was then the subject of a formal consultation and the representations received from the consultation document and the Council's response to them are set out in Appendices 2 and 3. The SPD has also been the subject of a Sustainability Appraisal, see Appendix 4.

Status of this Supplementary Planning Document 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

2 Status of this Supplementary Planning Document

- 2.1** Planning Policy Statement 12: *Local Development Frameworks* (PPS 12) indicates that supplementary planning documents (SPDs) form part of the planning framework for an area. PPS 12 indicates that SPDs may be thematic and may expand policy or provide further detail to policies in a development plan document.
- 2.2** This SPD accords with those purposes and:
- is consistent with national and regional policies and the policies within the development plan;
 - is clearly cross referenced to the saved policy in the adopted Local Plan which it supplements;
 - will be reviewed on a regular basis;
 - was prepared through a transparent process and a statement of community involvement was published with it.
- 2.3** For these reasons this SPD conforms with the guidance for the preparation of SPD as set out in PPS 12 and therefore it will be afforded significant weight in the determination of planning applications.

3 Policy Context

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

3 Policy Context

National Policy

3.1 Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) underpins all national planning policy. At paragraph 16 it states that development plans should promote development that creates socially inclusive communities and that plan policies should address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities. It goes on to indicate that planning policies should take into account the needs of all of the community including particular requirements relating to, amongst other things, age and disability.

3.2 More specific national policy guidance can be found in Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs) on Housing, Town Centres, Transport, The Historic Environment, Open Space, Sport and Recreation and Flooding.

3.3 In addition to the policies in PPGs and PPSs in March 2003 the Office of the Deputy Prime Minister (ODPM) published *Planning and access for disabled people: a good practice guide*. The foreword to that document states:

The Government is fully committed to an inclusive society in which nobody is disadvantaged. An important part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. Too often the needs of disabled people are considered late in the day and separately from the needs of others.

3.4 The guide sets out a range of good practice points and this SPD sets out to translate those points into local policy.

Regional Policy

Regional Spatial Strategy - The East of England Plan (RSS)

3.5 One of the objectives of the East of England Plan is to improve social inclusion and access to employment, services, leisure and tourist facilities among those who are disadvantaged.

Policy Context 3

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Sub-regional Policy

Essex and Southend-on-Sea Replacement Structure Plan 2001

- 3.6** Until the approval of the RSS, the Structure Plan remains part of the development plan. Policy T3 – *Promoting Accessibility* encourages new development to be designed so as to make provision for access by those whose mobility is impaired.

Local Policy

Maldon District Replacement Local Plan

- 3.7** The Local Plan indicates that the strategy of concentration of development within the development boundaries requires new developments to enhance the quality of design in the towns and villages including recognition of the need for accessibility for all potential users, regardless of age, disability, gender, religion or financial circumstances.
- 3.8** Paragraph 6.19 of the local plan states:
- ‘The Council is committed to promoting an inclusive society that offers opportunity for everyone. All new development, and particularly that intended for general public use must promote accessibility both into and within (buildings) and make appropriate safe provision in terms of access, egress and parking. An environment designed to be accessible to disabled people will be more accessible and user friendly for everybody, including wheelchair and pushchair users, people with physical and sensory impairments and elderly people. Easy access is part of good design and is beneficial to local business. The appropriate stage to consider accessibility is in the initial design not as an afterthought. This is particularly important with regard to development and alterations to existing and historic buildings’.
- 3.9** The *Maldon District Adopted Local Development Scheme First Review 2006* indicates that the Council will prepare a supplementary planning document on accessibility to and from buildings.
- 3.10** This SPD has been prepared to assist in the interpretation of the Maldon District Replacement Local Plan and in particular the application of local plan policy BE2 *Inclusive Access and Accessibility* which sets out features which the Council will expect to see within development where access by people with disabilities is necessary.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

4 Implementation of Policy

4.1 The Local Plan indicates the need to be aware of the implications of an accessible environment early in the development process. The need to design buildings and spaces to accommodate those using wheelchairs is now widely accepted and understood, but only a small part of the range of conditions that can create difficulties in moving around the built environment. Those involved in the design of buildings and spaces should be equally alert to the needs of those who have impaired vision or hearing, those who use walking sticks or crutches, the increasing number of elderly people and those who have to control prams or buggies. All of these groups benefit from a more accessible environment which results from inclusive design and providing for those who are disabled improves access for all.

Pre-application Advice

4.2 In the past it was not uncommon for planners and developers to regard accessibility as a Building Regulation matter to be resolved once planning permission had been granted. But the Building Regulations only deal with minimum standards of design within and in relation to access to buildings. The regulations do not always apply to changes of use and in the case of extensions to buildings can only require that the accessibility of an extension is no worse than the host building.

4.3 Whilst the application of Part M of the Building Regulations makes an important contribution to the creation of accessible buildings it remains the responsibility of the developer and the local planning authority to ensure that developments create an inclusive environment both within and around buildings.

4.4 Not all applications for planning permission will have implications for accessibility. However, all proposals for new dwellings, places of employment and buildings to which the public have access will be expected to be accompanied by a statement, known as an “Access Statement” which sets out the way in which the proposal responds to the principles of inclusive design both within and outside buildings.

4.5 The Council has prepared advice leaflets and employs an access officer who can provide advice and guidance both to developers and other Council staff. In cases where an access statement is needed the applicant is encouraged to discuss the proposal with the planning case officer prior to the submission of the application. By considering inclusive access at this stage, steps can be taken in the design process to ensure that proposals are suitable for use and accessible by everyone. Failure to consider the design of buildings and spaces in an inclusive way can result in unsatisfactory solutions which compromise both accessibility and design.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

- 4.6** The Access Statement should set out the philosophy of the development as regards inclusive access and should include detailed information about buildings and the spaces between them. The Statement should have regard to the physical nature of the development site, including for example site levels, existing points of access and the presence of vegetation. It should also indicate the way in which the proposal responds to the principles of inclusive design both within and outside buildings. It should indicate whether the design of the building would comply with the advice in BS 8300:2001 and should identify any constraints which may have inhibited full compliance with that document. The Statement should include details of the materials to be used in all external access ways and parking areas and any other aids to mobility such as handrails should be specified. Where development is on sloping ground, levels and gradients should be indicated.
- 4.7** The Access Statement will form a central part of the documentation of a development proposal and will inform the consultation process. It should therefore be submitted as part of the planning application. An example of an Access Statement is included in Appendix 5.
- 4.8** Even minor proposals, such as front porches can have significant implications for accessibility and will often create opportunities to improve accessibility through the provision of level thresholds or carefully designed ramped access. For this reason the Council includes a reference to accessibility on its notes for guidance which accompany planning application forms and includes a question about accessibility on those forms.

Consideration of Applications

- 4.9** Accessibility is a material consideration in the determination of planning applications. S 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that when making planning decisions the determination must be made in accordance with the development plan unless material considerations indicate otherwise. There will therefore be an expectation that the Policies in the Local Plan and the content of this SPD will be taken into account when planning applications are determined.
- 4.10** When considering the merits of applications planning officers will have regard to the desirability of achieving inclusive access. All planning officers will be alert to the implications of inclusive development. Where it is considered that a proposal raises issues for inclusive development it will be the subject of consultation with the access officer and where there are significant implications it will be the subject of consultation with the local advisory group.
- 4.11** Where a proposal raises fundamental issues for inclusive access for which no solution is apparent the Council may refuse to grant planning permission.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

- 4.12** If it appears that measures can be taken to provide inclusive access, the Council will consider the imposition of planning conditions, where appropriate, in accordance with the tests in Circular 11/95 "The Use of Conditions in Planning Permissions." Where a proposal raises accessibility issues which range beyond the application site or which cannot be resolved through the imposition of planning conditions the Council, will consider the need to negotiate a planning obligation under S106 of the Act.

Working with Building Control

- 4.13** Most new building work and some changes of use of buildings is subject to the Building Regulations 2002 made under the Building Act 1984. Through these regulations a developer has a statutory obligation to secure building regulation consent. This can either be done by the submission of an application to the Council's Building Control Service or to an approved inspector who will assess the proposal and either approve or reject it, as appropriate.
- 4.14** Part M of the Regulations requires that reasonable provision should be made for access to and use of buildings by disabled people. The Approved Document which accompanies Part M shows applicants ways in which the requirement of reasonable provision can be met, however, these are not necessarily best practice solutions and a more inclusive design may often be achieved with fewer cost implications if considered at an earlier stage in the design process. To avoid having to rethink the design of a building or its surroundings late in the process there should be early discussion between all parties. Where approved inspectors are to be used by developers they should be encouraged to contact the Council's planning officers to enable inclusive solutions to be developed.

The Historic Environment

- 4.15** The provision of inclusive access in relation to historic buildings and areas creates its own challenges. Within Maldon District there are approximately 1100 Listed Buildings and many more historic buildings within our 12 Conservation Areas that do not satisfy modern accessibility standards.
- 4.16** Planning Policy Guidance Note 15: *Planning and the Historic Environment* in paragraph 3.28 states that "It is important in principle that disabled people should have dignified easy access to and within historic buildings". It indicates that if a flexible and pragmatic approach is taken, it should normally be possible to plan suitable access for people with disabilities without compromising a building's special interest. The Council's Conservation Officer works closely with the Access Officer and has regard to good practice elsewhere. In particular, attention is drawn to the English Heritage publication "*Easy Access to Historic Buildings*" which includes a range of examples of good practice.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

- 4.17** Proposals for the extension or alteration of listed buildings and buildings in Conservation Areas or the change of use of such buildings to allow public access should be accompanied by an Access Statement. This should indicate the measures proposed to provide an inclusive access environment and how this has been achieved whilst maintaining the integrity of the historic building or area.

Spaces Between Buildings

- 4.18** In an inclusive environment careful consideration must be given to the spaces between buildings. The layout and design of the space around buildings must be considered as an integral part of the design process and not designed to fit after the design and position of the building has been established. Only by adopting this approach can a fully inclusive environment be developed.
- 4.19** In considering any development proposal the Council will be concerned to know how people will get from public places – such as roads and footpaths – into buildings and key issues for planners and developers are levels and gradients and the nature of surface materials.
- 4.20** The use of design features, colour, lighting and materials and clear desire lines can assist in drawing attention to the position of the entrance to buildings thereby assisting those who may have impaired visibility. The use of shallow gradients, easy curves, and appropriate surfacing combine with aids such as handrails assist those whose mobility is restricted.

Vehicle Parking

- 4.21** The Council's vehicle parking standards require that provision is made for disabled car parking. An extract from the adopted Supplementary Planning Document, which is based on the Essex Planning Officers' Association publication "*Vehicle Parking Standards*" dated August 2001, is appended at Appendix 7.
- 4.22** Whilst generally the Council's approach to car parking indicates a maximum provision, in line with the advice in PPS3 Housing, the Local Plan states that a minimum standard of car parking provision for parking for people with disabilities will be required on or as close to the site as practicable in order to promote inclusive access and accessibility.
- 4.23** In order to ensure that an inclusive and accessible environment is achieved parking spaces suitable for people with disabilities should be conveniently located to serve the main entrance to the building or other facility served by the car park and should be linked via a route which can be easily negotiated by wheelchairs. Loose materials and steep gradients should be

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

avoided and the provision of handrails is encouraged to assist both the ambulant disabled and those with impaired vision. Wherever possible, routes between parking spaces for disabled people and buildings should be segregated from areas used by vehicles.

- 4.24** Landscaping within car parks can enhance their appearance but care should be taken to ensure that planting in the vicinity of access routes is of an appropriate species so as to avoid the growth of prickly plants or those which may have low branches which may create hazards for those of impaired sight or mobility.

Shop Fronts

- 4.25** A high proportion of the shops within Maldon District lie within the historic cores of our towns and villages. By their nature many of these are sited at the edge of the public pavement where there is little space to improve public access. However, the Council receives a number of applications to replace shop fronts and this creates an opportunity to improve accessibility. When submitting any application to replace a shop front the Council will expect the applicant to show how the proposal takes account of the need to promote inclusive development.
- 4.26** All applications for new shop fronts should include cross sections of the thresholds and the access route from the public highway and should clearly indicate how access doors are proposed to open and how rainwater will be dispersed from the floor. Proposals for ATMs should satisfy the design advice in *Access to "ATMs: UK design guidelines"* published by the Centre for Accessible Environments.
- 4.27** The Council has produced an information leaflet to guide developers when they are considering the installation of new shop fronts and the Access Officer will give advice on individual proposals.

Public Open Spaces

- 4.28** Inclusive communities must ensure that access is available to recreational facilities including public open space and it is an objective of the Local Plan to improve access to and the provision of sport and leisure facilities and enhance tourism for all. (Objective S vi). Proposals for new areas of open space should include an Access Statement indicating the measures proposed to create an inclusive environment. Within Maldon District a high proportion of public open space is managed by Town and Parish Councils and the Council's Access Officer will provide advice to these bodies on measures which they can take to improve accessibility.
- 4.29** Where parking is provided to serve public open space it should include designated parking spaces for people with disabilities and these should be linked to the open space via a surface which can be negotiated by wheelchair users.

Implementation of Policy 4

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Roads and Footways

- 4.30** Responsibility for roads and pavements within the Maldon District lies with Essex County Council but Maldon District Council works in partnership with the County Council to deliver a seamless service through the Area Highways Team. Where entrances to buildings such as shops are close to the pavement development proposals may have a direct effect on the public highway. Maldon District Council will work closely with the Area Highways Team in order to achieve an inclusive access solution which both maintains the safety and convenience of all highway users and the character and appearance of the street.
- 4.31** In considering applications for the development of places of employment or entertainment the Council will have regard to the links between the proposal and the public transport infrastructure, in the form of bus stops and railway stations. The Council will consider the need to improve access to this infrastructure and may seek contributions from developers for the upgrading of access ways and structures, such as surface treatments, hand rails and bus shelters.

4 Implementation of Policy

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 1: Informal Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 1: Informal Consultation

The following was consulted informally in the initial preparation of this document:

- Maldon District Access Group

Appendix 2: Formal Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 2: Formal Consultation

The formal consultation stage for the Access to Buildings SPD took place between Monday 9th October and Monday 20th November 2006. The following were consulted formally on this document:

- English Heritage
- Environment Agency
- Highways Agency
- Disabled Persons Transport Advisory Committee
- Disability Rights Commission
- Essex Disability Equality
- Help the Aged
- Maldon & District Disabled Sports Club
- Centre for Accessible Environments
- Natural England
- Maldon District Access Group

Appendix 3: Responses to Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 3: Responses to Consultation

Table 1 Responses to formal consultation and the Council's response

Name	Organisation	Section	Comment	Response
Mr David Rookard	Maldon District Access Group	Introduction	The definition of Accessibility shown is the incomplete version and therefore inadequate as it does not mention access to buildings.	Agree. Change definition to match one found in Adopted Replacement Local Plan Nov. 2005
Mr David Rookard	Maldon District Access Group	Appendix 8	Insert note given in BS8300:2001 (Page 16) about interpolating between the maximum gradients.	Agree
Mr David Rookard	Maldon District Access Group	Appendix 9	For clarification 2 nd paragraph – dimensions do not match diagram. Believe text refers to the on-street parking guidelines.	Agree subject to clarification
Carol Reid	Natural England	General	Thank you for the above documents. English Nature does not wish to comment further.	Noted
Wai-Kit Cheung	Fairview New Homes Limited	Page 5 (Planning Contributions)	Fairview request that the document recognises the impact that	No change. The provision for access to buildings by

Appendix 3: Responses to Consultation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Name	Organisation	Section	Comment	Response
			planning obligations can have on the viability of development. As such, the following text should be included in the document: “The Council will have regard to the impact of planning contributions on the viability of development and will ensure that they are necessary to allow consent to be given for a particular development and that they are fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects”	people with disabilities is a requirement under the Disability Discrimination Act. It is therefore necessary for development to be in accordance with said Act.

Appendix 4: Sustainability Appraisal

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 4: Sustainability Appraisal

The Access to Buildings Sustainability Appraisal Report is available upon request or can be viewed on the Council's website: [http://www.maldon.gov.uk/Planning & Building Control/Local Development Framework/SPD Access to Buildings](http://www.maldon.gov.uk/Planning%20&%20Building%20Control/Local%20Development%20Framework/SPD%20Access%20to%20Buildings)

Appendix 5: Access Statement

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 5: Access Statement

Table 2 Maldon District Council - Access Statement

	Applicant		Agent
Name		Name	
Address		Address	
Postcode		Postcode	
Telephone		Telephone	
Address of development			Is Council's Building Control Service to be used? Yes / No
Description of proposal			
Access issues of the proposal and constrains			
Measures proposed to achieve inclusive access			
Pre-application discussion and consultation			
Additional information			

Appendix 6: Access Ramps

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 6: Access Ramps

- If a change of level on an access route is unavoidable it is necessary to provide a sloped access for wheelchair users. But as some ambulant disabled have difficulty using ramps an alternative access should also be provided.
- When designing ramps it is important to ensure that they are not too steep and no individual ramp should be more than 10m long to ensure that the distance between landings is not excessive to enable wheelchair users and their helpers to rest. Ramps should be designed in accordance with the advice in BS 8300:2001.
- If a ramp is more than 2m long between landings or if there is no stepped access handrails should be provided on both sides. If a ramp is less than 2m at least one handrail should be provided.
- Ramps should not be used to rise a total of more than 2m and their gradients should not exceed the recommendations in BS 8300:2001 which are set out in the table below.

Table 3 Limits for ramp gradients

Length of Ramp	Maximum Gradient
10m	1:20
5m	1:15
Not exceeding 2 m	1:12
Note: For going between 2m and 10m, it is acceptable to interpolate between the maximum gradients, i.e. 1:14 for a 4m going or 1:19 for a 9m going.	
Further information on the design of ramps can be found in BS8300:2001.	

Appendix 7: Extract from Adopted Car Parking Standards

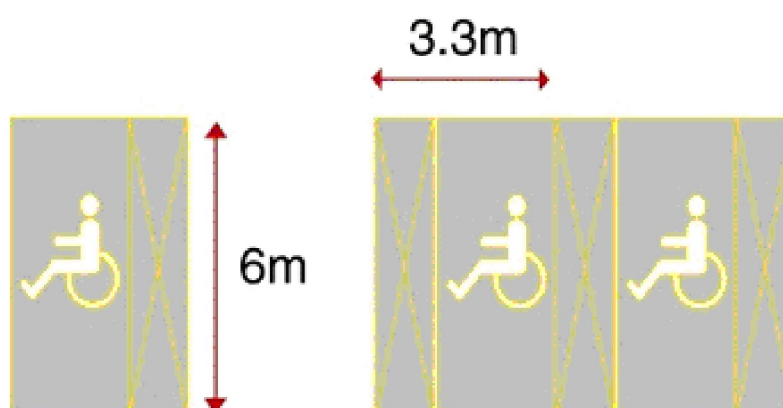
MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document: Accessibility to Buildings

Appendix 7: Extract from Adopted Car Parking Standards

Disabled Parking Provision

- Guidance on the amount of parking provision that should be supplied for disabled people is outlined in the DETR's Traffic Advisory Leaflet 5/95 – Parking for Disabled People, published in April 1995.
- Disabled parking spaces should be at least 3.3m wide and 6.0m long in order to allow the driver or passenger to get in and out of the vehicle safely, and to provide access to the rear of the vehicle for wheelchair storage. Where direct access is provided to a footway at the side or rear, spaces should be at least 2.7m or 4.8m respectively (see diagram below).

Figure 1 Disabled parking provision



Appendix 7: Extract from Adopted Car Parking Standards

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Parking standard for disabled car parking

PARKING STANDARDS FOR DISABLED CAR PARKING	
Car Park Used For:	
Employees and visitors to business premises	
Car Park Size: Up to 200 Bays	
Individual bays for each disabled employee plus 2 bays	
or 5% of total capacity, whichever is the greater	
Car Park Size: Over 200 Bays	
6 bays plus 2% of total capacity	
Car Park Used For:	
Shopping, recreation and leisure	
Car Park Size: Up to 200 Bays	
3 bays or 6% of the total capacity, whichever is the greater	
Car Park Size: Over 200 Bays	
4 bays plus 4% of total capacity	

Appendix 8: Bibliography

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Accessibility to Buildings

Appendix 8: Bibliography

- *PPS 1; Delivering Sustainable Development* (ODPM, now Department of Communities & Local Government [CLG] 1997)
- *The Essex & Southend on Sea Replacement Structure Plan* (Essex County Council, 2001)
- *Vehicle Parking Standards* (EPOA, 2001)
- *BS 8300:2001 Design of buildings and their approaches to meet the needs of disabled people – Code of Practice*. (October 2001, British Standards Institute)
- *Access to ATMs: UK design guidelines 2002* (2002, Centre for Accessible Environments)
- *Planning and access for disabled people: a good practice guide* (March 2003, ODPM, now Department of Communities & Local Government [CLG])
- *Easy Access to Historic Buildings* (July 2004, English Heritage)
- *PPS 12; Local Development Frameworks* (CLG, 2004)
- *Planning Policy Guidance 15; Planning & the Historic Environment* (OPDM, now Department of Communities & Local Government [CLG] 2004)
- *Maldon District Replacement Local Plan* (MDC, 2005)
- *Maldon District Adopted Local Development Scheme* (MDC, 2006)
- *The East of England Plan* (Go East)

Heybridge Basin Timber Yard

APPENDIX 4



MALDON
DISTRICT
LOCAL
DEVELOPMENT
FRAMEWORK

ADOPTED
SUPPLEMENTARY
PLANNING
DOCUMENT
(SPD)

FEBRUARY 2007

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MALDON DISTRICT
COUNCIL

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Heybridge Basin Timber Yard**Contents**

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1 Introduction

Picture 1. Heybridge Basin seen from the air



Background

- 1.1** The Timber Yard at Heybridge Basin became vacant in 1988. Shortly afterwards a planning application was approved for the redevelopment of most of the open storage area on the site. That was developed and is now known as Blackwater Close.
- 1.2** The remaining part of the site that included the old sawmill buildings remained undeveloped. That land was allocated for employment use in the 1996 Review of the Local Plan. The land has not been developed and in 2004 the Inspector at the Replacement Local Plan Inquiry recommended the land be developed for mixed use in accordance with a development brief to be prepared by the Council. The development brief is being prepared as a Supplementary Planning Document under Policy E3 of the Maldon District Replacement Local Plan.

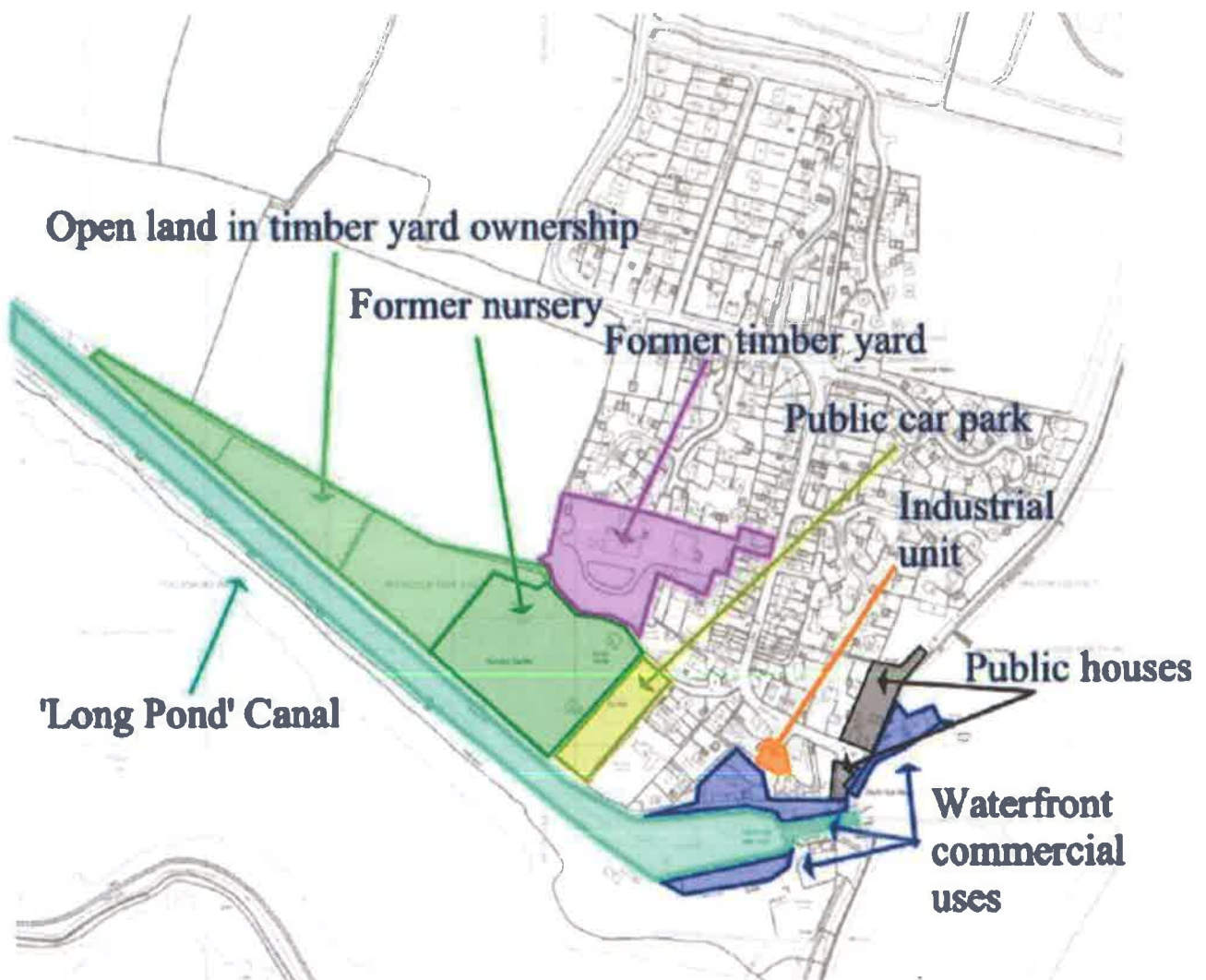
1 Introduction

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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Area covered by the brief

- 1.3** This brief only covers the area of the former Timber Yard site (shaded pink) as shown on this map.

Picture 1.1 Location and context



Purpose of the brief

- 1.4** The purpose of the brief is as follows:

- The brief provides a vision for the area to act as a framework for future development proposals.

Introduction 1

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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- The brief identifies development opportunities and provides guidance on land uses, site planning and building scale, form and detailing to make more efficient use of the land, help achieve development quality and ensure that new development improves the relationship between the Timber Yard and the historic built form in the area. The guidance provides greater certainty for the land owner and prospective developers.
- The document will provide guidance for the District Council to assist in the determination of any future planning application.
- The consultation exercise on this brief has provided a forum for the Parish Council, local amenity societies and local people to influence the evolution of a key development in the heart of the village.

Status of this document

- 1.5** This document will be adopted as a Supplementary Planning Document in accordance with the commitments set out in the Adopted Local Development Scheme.
- 1.6** It has been subject to extensive public consultation and community engagement. In autumn 2005, the District Council invited members of the local community who represented the majority of local interests to take part in a Stakeholder Group. This met a number of times including a public meeting held at St George's Church in Heybridge Basin. There was also a community web based "blog" consultation. This process helped inform the content of the final document which is proposed to be formally adopted by the District Council as a Supplementary Planning Document. As adopted guidance the document will carry significant weight in the determination of future planning applications.

2 Planning Policy Context

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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2 Planning Policy Context

Government guidance

- 2.1** The key tenets of Government guidance are contained in Planning Policy Statements (PPS) and Planning Policy Guidance Notes (PPG) as follows:

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPS 6	Planning for Town Centres
PPS 23	Planning and Pollution Control
PPS 25	Development and Flood Risk
PPG 13	Transport
PPG 15	Planning and the Historic Environment

- 2.2** The objective of Government policy and guidance is to encourage sustainable development through social progress, maintaining the economy, environmental protection and prudent use of resources. It promotes high quality design to enhance the quality of urban life and encourages the efficient use of land particularly where close to local facilities and public transport connections. The guidance recognises that well planned green spaces can help create pleasant urban environments.
- 2.3** PPG 13 advises that local authorities should make maximum use of sites which are highly accessible by public transport. PPS 3 promotes more sustainable patterns of development by focusing future housing development, in the first instance, within urban areas, and requiring that efficient use is made of previously developed land.
- 2.4** PPG 15 reinforces the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, which requires local authorities to have regard to the desirability of preserving the setting of listed buildings. It also places an obligation on local authorities to preserve and enhance the special character of conservation areas. In relation to conservation areas that include the commercial centres of villages, the guidance stresses that local authorities should not seek to prevent new development, rather they should seek to protect character by managing change positively to allow the area to remain alive and prosperous.

Planning Policy Context 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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- 2.5 PPS 23 requires that potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The potential for contamination and any risks arising must be properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990.
- 2.6 PPS 25 requires that Local Planning Authorities (LPAs) prepare Local Development Documents (LDDs) that set out policies for the allocation of sites and the control of development which avoid flood risk to people and property where possible and manage it elsewhere, reflecting the approach to managing flood risk in this PPS 25:
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, LPAs should consider whether there are opportunities in the preparation of LDDs to facilitate the relocation of development, including housing to more sustainable locations at less risk from flooding;
 - flood risk should be considered alongside other spatial planning issues such as transport, housing, economic growth, natural resources, regeneration, bio-diversity, the historic environment and the management of other hazards. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life. They should be integrated effectively with other strategies of material significance such as Regional Economic Strategies.
- 2.7 In determining planning applications LPAs should:
- have regard to the policies in PPS 25 as material considerations which may supersede the policies in their existing development plan, when considering planning applications for developments in flood risk areas before that plan can be reviewed to reflect PPS 25;
 - ensure that planning applications are supported by site-specific flood risk assessments (FRAs) as appropriate;
 - apply the sequential approach at a site level to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk;
 - give priority to the use of Sustainable Urban Drainage Systems (SUDS); and
 - ensure that all new development in flood risk areas is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed.

2 Planning Policy Context

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Essex and Southend-on-Sea Replacement Structure Plan (April 2001)

- 2.8 The Essex and Southend-on-Sea Replacement Structure Plan forms part of the Approved Development Plan for the area. Its policies encapsulate recent Government guidance regarding sustainability and making efficient use of previously developed land.
- 2.9 Policies CS1 and BE1 seek to achieve significant enhancement of the vitality and viability of the urban environment. They require that efficient use is made of accessible land within existing urban areas that is well served by public transport. Policies CS1, BE2 and H4 promote mixed land uses.
- 2.10 Policy BE1 and CS2 establish a framework for protecting the character and townscape of the urban environment generally. Policies HC2 and HC3 provide extra protection for sites within defined conservation areas and the setting of listed buildings.
- 2.11 Policy BIW4 provides the basis for safeguarding employment sites currently in use from encroachment by other land uses.
- 2.12 Policy BE5 provides a framework for new development to provide/contribute to necessary improvements to community facilities, public services, transport provision and other essential infrastructure which is made necessary by the proposed development.

Local Plan (2005)

- 2.13 At the local level the strategy for the District recognises the importance of protecting the coast and countryside whilst achieving a better balance between new homes and jobs within the District. The policy background is set by the Maldon District Replacement Local Plan (2005). The overall Strategic Objective regarding employment is to:

Si To make provision for sustainable employment opportunities.

Policy E3 Mixed Use Development - Timber Yard, Heybridge Basin

Within the former timber yard site in Heybridge Basin shown on the Proposals Map, planning permission will be granted for a mixed-use development of housing and Class B1 employment uses provided:

- a. The extent of Class B1 uses promotes the objectives of the Employment Strategy
- b. Flood risk measures satisfy the requirements of the Environment Agency

Planning Policy Context 2

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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- 2.14** The Council acknowledges this policy is challenging and will not be easy to deliver. It reflects the difficult circumstances that face the community in an area of high environmental capital but poor economic links that may lead to socially and environmentally damaging patterns of long distance commuting for work.

3 The Site in Context of the Surrounding Area

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Heybridge Basin Timber Yard

3 The Site in Context of the Surrounding Area

- 3.1** The site has an area of 1.9 ha and is a former timber yard that was associated with the canal. It continued to trade after the canal ceased commercial operations and was in operation until about 1988. It used to include the area of what is now Blackwater Close as part of the open air storage of bulk timber.
- 3.2** Access to the site was via the Basin Road entrance which is very constrained for HGV traffic and may in part have contributed to the closure of the former timber yard.
- 3.3** To the immediate south of the site there is the Heybridge Basin Conservation Area, which was designated to recognise the contribution of the old lock and basin to the character of the historic fabric of the area. To the immediate west there is open countryside with the adjacent settlement boundary on the west boundary of the site.
- 3.4** To the east and south there is the River Blackwater SSSI which was designated for its mudflats and estuarine wildlife.
- 3.5** The site is surrounded by residential development and the access along Basin Road does not include a footpath. The site has difficult access for HGV traffic, which acts as a constraint for prospective employment use that may require deliveries and collections.
- 3.6** The Conservation Area is unique in that it is applied to a relatively recent settlement, which was only created after the construction of the canal. As such it is a very recent built form.

The Site in Context of the Surrounding Area 3

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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Map 3.1 Site analysis as existing



4 Development Opportunities and Constraints

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

4 Development Opportunities and Constraints

Development Opportunities and Constraints

- 4.1 The most significant constraint on the potential development of the site is the flood risk as set out in the Environment Agency Flood Maps. These show the site as having a 'moderate chance of flooding from the sea' i.e. a greater than 1 in 200 years risk. Initial Flood Risk Analysis carried out by the developers and agreed by the Environment Agency (EA) indicates the most significant risk of flooding is from a tidal event.
- 4.2 An initial Flood Risk Assessment (FRA) indicates the most significant risk is from an unexpected breach or overtopping of the sea defences leading to inundation of the site and surrounding area. Tidal overtopping of the defences has been examined and discounted as a significant risk on account of a number of factors including the limited volume of water that could flow over the sea wall during a high tide event.
- 4.3 However, overtopping is not necessarily separate from breach and it is possible that an overtopping event could lead to a breach. The risk in this situation is that the breach would not be predictable. On account of that the EA has taken a precautionary approach and sought initial flood protection measures that are based on the limited modelling work carried out to date.
- 4.4 In the absence of further information the EA has stipulated that all ground floor accommodation should not be enclosed and leave adequate opportunity for escape to upper floors. This places a considerable burden on developing the site insofar as the lower levels of any potential development must be discounted from development returns thereby placing a financial burden on any potential development.
- 4.5 Separately to the above, the Department for Environment, Food and Rural Affairs (DEFRA) has recently introduced new priority scoring procedures for flood defence spending. The new scoring process weighs the cost of maintaining the sea defence against the value of the area that is protected. The Basin is protected by 7 km of sea walls and is part of a flood cell that stretches from Heybridge to Goldhanger in which there are about 400 homes in total. The scoring process will determine whether the EA will continue to maintain the sea wall.
- 4.6 Given the location of the site in the proximity to the Heybridge Basin Conservation Area any potential development must be designed to enhance the setting of the Conservation Area.

5 Land Use

Land Use issues and guidance

- 5.1** The Council is promoting the regeneration of this site to address the visual impact on the landscape of Heybridge Basin. The Council does not need to use this site to meet strategic housing requirements as it has already identified sufficient land to deliver the housing allocation as set out in the Approved Development Plan.

Mixed-uses

- 5.2** Any new residential development will be served by existing local retail centres at Heybridge and Maldon. The poor proximity of the site to existing workplaces, public transport and facilities limits the extent to which this site can be predominantly residential. Non-residential uses integrated with residential will help to maintain a mixed-use character, generate activity throughout the day and help to enliven the locality in general. Subsidised use of areas at ground level, targeted at local need and making a positive impact on local waterfront activities which are being eroded due to lack of affordable spaces for them to continue will be welcomed.
- 5.3** On this site, the Council will seek mixed-uses to meet the following objectives:
- Creation of a sustainable residential neighbourhood;
 - Creation of a safe, lively character with a variety of activity.

Development Requirements

Table 1 Development requirements

<i>Amount of non residential floorspace</i>	Minimum 30% of the developed floorspace. This is seen as a minimum practical amount of non-residential floor space to promote effective mixed use.
<i>Preferred location of non-residential uses for diversity, street level interest and safety.</i>	The Council will seek non-residential uses at ground floor level on the site in order to contribute to the diversity of uses and to address flood issues and create focal points for activity.
<i>Adaptable units</i>	The Council will accept attractive, open-fronted, high ceiling, mergable / sub-divisible, flexible-use units, capable of accommodating alternative non

5 Land Use

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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	residential uses, in the interests of creating a business character, meeting unforeseen demand and for future economic sustainability.
<i>Appropriate intensity of use and satisfactory built form.</i>	The Council wants to avoid segregated uses. It will not accept single storey buildings and detached, single-use buildings. Residential developers will be encouraged to develop mixed-use buildings.

Possible Land Uses

- 5.4** New development should complement the existing surrounding uses and exploit the close association with the setting of the canal. The Council envisages that new residential and employment uses will be complementary to the existing grain of the conservation area.
- 5.5** Within the possible land uses outlined below, distinctions are drawn between uses that the Council consider are essential, desirable or acceptable. All the uses stated below are compatible with each other as long as they are carefully integrated within the overall development scheme and surrounding area, attending to possible excessive impact in terms of traffic, noise and activity.

Table 2 Possible land uses

Private residential Use Class C3	Taking account of the EA's concerns over flooding together with the difficult access to the village a minimum number of mixed tenure, mixed size residential units, is preferred, (subject to comments relating to B1 use). The Council will seek affordable housing in accordance with the adopted Local Plan which may be in the form of commuted payments instead of on site provision.
Business ** Use Class B1	The inclusion of Class B1 use within the area covered by the brief is an essential requirement to meet the employment objectives of the adopted Local Plan. The Council will accept different types of accommodation including: - premises for small and medium size B1 businesses; - managed workspace for small enterprises sharing resources;

Land Use 5

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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	- flexible use A1/B1 workshops and studios; - flexible use community or low value artisan activity associated with the nearby canal and waterside facilities. An intensive employment use such as headquarters offices would be not desirable due to the local transport infrastructure.
Professional services Use Class A2	Non-retail uses serving visiting members of the public will be acceptable, (architects, accountants, public relations etc).
Restaurants & Cafes Use Class A3	A Class A3 use is acceptable provided it is integrated with new living and working accommodation and complements the setting of the canal and maritime history of the village / neighbourhood.
Drinking Establishments Use Class A4	A Class A4 use may be acceptable provided it is integrated with living and working accommodation and management processes can be introduced to control access and noise. It must also complement the setting of the canal and maritime history of the village / neighbourhood.
Hotel Use Class C1	A hotel would be acceptable to promote the tourist offer in the district.
Non-residential institutions Use Class D1	Community uses such as place of worship or arts, meeting rooms, educational and cultural uses are encouraged subject to a needs assessment. However due to flood risk, permitted development rights for use as health, daycare, crèche / nursery resources will be withdrawn by planning conditions.

** With regards to employment, Heybridge Basin has poor links to the general economy due to the location on a riverside with only one access road which itself is off a B Class road that is not part of the main highway network. The Council accepts that its peripheral location is unlikely to attract high value added business that can afford to build or occupy new units that are flood resilient. Regardless of the type of business that occupies the site the issue of flooding must still be addressed.

5 Land Use

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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Table 3 Unacceptable use form or development

Large space single storey premises	Low intensity buildings that create a weak urban form.
Development heavily reliant on motor vehicle usage	Motor vehicle oriented uses would conflict with design and sustainability objectives.
Residential institutions Use Class C2	Residential accommodation for special needs is not considered acceptable on account of the flood risk and the undesirability of locating vulnerable people in an area of risk.

Traffic and Circulation 6

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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6 Traffic and Circulation

Network requirements

- 6.1** The Council will expect the design of any scheme to be founded upon an enhanced pedestrian / cycleway network:
- A pedestrian / cycle link to facilitate movement between the site and Heybridge as expressed in Policy T4 of the adopted Local Plan.
- 6.2** The most important objective for the development of this area is overcoming the barriers to pedestrian links with the main settlements of Heybridge and Maldon. These links are essential to help justify low car parking requirements and encourage use of public transport. This will require creating routes through the development site, but will also involve exploring with adjoining owners the possible integration with linkages across adjoining land.
- 6.3** The Council will assist by enabling:
- Changes to the existing canal towpath to facilitate a cycle route to extend into the site by working in partnership with the Highways Authority to provide relevant Traffic Regulation Orders.
 - Creating the framework to provide for developer contributions to finance the works.

Acceptable access points

- 6.4** The site has two access points; the original site entrance on Basin Road and the potential entrance on Blackwater Close. The Council wish to see access divided so that neither access point takes all the movement associated with the site. The Council will expect to see permeability and through access but that such access will be managed so that the site does not become a “Rat Run” for egress from the Basin. It will be necessary to control HGV traffic during the construction and development of the site to ensure the protection of the local community.

Circulation within the development

- 6.5** Access and circulation to buildings, within private and public spaces must be suitable for people with disabilities.

6 Traffic and Circulation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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- 6.6 Pedestrian routes should be direct, legible, safe and attractive. Cycle routes should be indicated by paving materials of different colour or levels and be open and attractive with good forward visibility. Vehicle routes should follow the pedestrian network and be designed to regulate traffic flows and speeds.

Vehicle servicing needs

- 6.7 All uses should provide suitable arrangements for off-street servicing and refuse collection. The Council will require details of the types of vehicles and frequency of visit for each use to ensure satisfactory provision. Service access for existing surrounding buildings should be maintained.

Vehicle parking

- 6.8 Car parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document (SPD) 2006. In new residential development this requires, a maximum of one space per dwelling for off-street car parking. (This document is available on the Maldon District Council Web site at www.maldon.gov.uk).
- 6.9 For non-residential development, parking provision should aim to accord with the standards set out in the Vehicle Parking Standards SPD together with its amendments. The Council will encourage well thought out, multiple and shared use design solutions to car parking provision.
- 6.10 The potential impact on car parking for existing properties should be assessed in the light of the Council's transport policies.

Cycle parking

- 6.11 Cycle parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards SPD 2006. In residential and workplace development, there is a need for secure, covered storage for bikes at ground level. Cycle parking spaces in underground garages would be acceptable provided that a lockable enclosure is included.

Design Principles 7

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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7 Design Principles

- 7.1** Redevelopment will offer the opportunity to complete the built form of the Basin. The principal need is to integrate development with the surrounding urban form by means of routes and views through as well as repairing and enhancing the appearance of existing streets and respecting existing residential amenities. Key principles will include:

Existing buildings

- 7.2** The buildings on the site have become closely associated with the Timber Yard's historic links with the canal in its former use. Although they are now beyond economic repair the replacement of the existing buildings should be carefully considered in the formulation of development options and proposals. The Council would like existing buildings to be seen as an asset and a positive development opportunity.
- 7.3** The redevelopment of the site should be based around the existing bulk and form of the old industrial sheds which are now part of the fabric of the village. This offers the opportunity to create a new built form that respects the history of the community and area.

Building form following routes

- 7.4** Building masses should be arranged around and shaped by routes between the potential access and egress locations on site. Routes should be legible, pleasant and safe.

Built edges

- 7.5** The development should have well-defined built edges. The following provides guidance as to the most likely locations: (see drawing on Chapter 8 Implementation)

Main building 1

Replacement on existing footprint utilising existing ridge height to inform new built form.

Main building 2

Replacement building using existing footprint but allowing more height in roof to provide accommodation above.

Possible new building 1

Linear form to follow Southern boundary and edge of existing hard standing.

7 Design Principles

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
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Possible new building 2

Square large bulk building to replicate form and treatment of main buildings 1&2.

Frontages to new routes and spaces

All buildings should face forwards where they adjoin public paths, roads and spaces. Street level elevations must be varied and attractive.

Surface treatment and finish

Finishing treatment (including weatherboarding / shiplap, rough sawn bulk timber not fine detailed and polished etc.) that makes reference to the maritime and historical features of the Basin is preferred.

Fenestration

In keeping with the industrial historical style of the site.

Location and quality of public open space

- 7.6 Open spaces should be located where they are visible and accessible from the surrounding area. An area of community public amenity space would be desirable, although other open space arrangements may be acceptable. Open spaces should be located and shaped to help create a sense of location and community ownership. The Council will welcome open spaces designed to promote bio-diversity generally and wildlife habitats in particular.
- 7.7 The triangle of "*open land in timber yard ownership*" to the north of the canal which is separate from this site (shown in the drawing on page two) may offer the opportunity for public amenity space.
- 7.8 Public space should be attractive with a high degree of casual surveillance from surrounding properties to encourage good levels of usage. Well-lit public cycle and pedestrian routes that provide a safe and secure environment will be encouraged. The Council will encourage shared access, parking, amenity play spaces, on the "home-zone" principle, subject to management and maintenance arrangements.
- 7.9 All footways must be convenient and comfortable for all users, allowing level access to building entrances and usable by wheelchair users.

Design Principles 7

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Layout within the site

- 7.10 The layout within the site should recognise the layout and orientation of the existing industrial layout. It should allow for views into and through the development.
- 7.11 Building massing based on the use of large blocks with outward facing continuous frontages and secluded private areas is acceptable.
- 7.12 Orientation of building fronts and backs should ensure privacy for occupants and adequate surveillance of streets, pedestrian and cycle links and public spaces. The site may be laid out to facilitate shared access to the Chapel Lane dwellings if this delivers urban design benefits including better access for emergency services.

Car parking design

- 7.13 Car parking should be provided in a mixture of different forms. Taking account of the existing flood risk underground car parking, ground level parking under the rear of buildings or parking hidden behind buildings are acceptable.
- 7.14 Boulevard parking on street space between the fronts of buildings and parking squares designed as public realm may also be possible. Car and cycle parking areas should have good surveillance and designed to deter crime.

Drainage

- 7.15 In conjunction with car parking and open / circulation space the site will need to adopt Sustainable Urban Drainage Systems (SUDS) in order to minimise the flood risk from fluvial events.

8 Implementation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

8 Implementation

8.1 The Council want the advice in this brief firstly to assist prospective developers with clear planning guidance. The Council anticipates that developers will bring forward schemes for the redevelopment of the site, having regard to the contents of this brief.

Planning application requirements

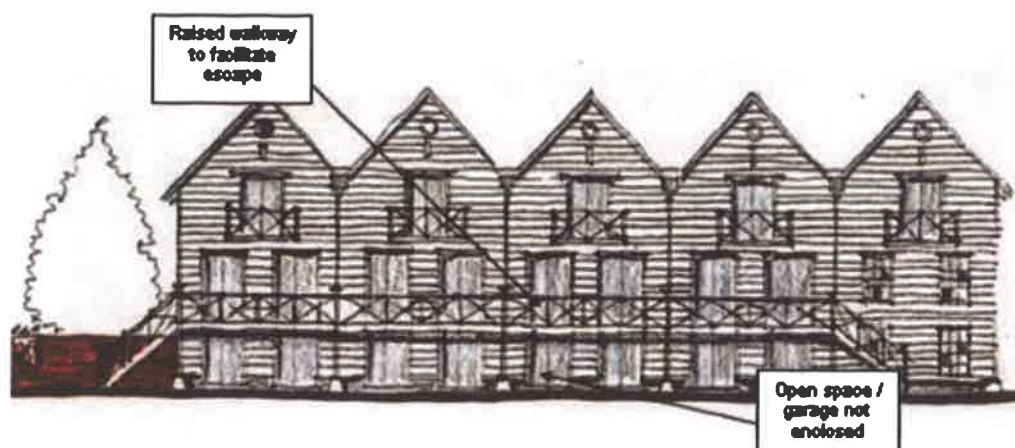
8.2 The following applies:

- A planning application may be made for full or outline permission. If an outline application is submitted, the application should be accompanied as a minimum by a Master Plan showing the proposed layout, key urban design principles, and mix of uses proposed.
- The initial planning application should relate to the whole of the area covered by the brief. In order to ensure the entire site is developed, proposals for development of part of the site will not be acceptable.
- Any application should be accompanied by evidence in respect of the impact of the development on the following matters:
 1. Full compliance with PPS 25:
 2. Access, transport and parking;
 3. Urban Design approach;
 4. Ground Condition Survey;
 5. An independent appraisal of wildlife and fauna on site to include effect on the nearby Blackwater SSSI;
 6. Environmental Assessment if the proposal is likely to have a significant effect on the environment;
 7. Contamination study and programme of remedial works in compliance with PPS 23.
- A planning application should be accompanied by a feasibility study examining the most appropriate means of achieving pedestrian / cycleway improvements between the site and the main settlement areas at Heybridge and Maldon.

Implementation 8

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Map 8.1 Possible layout



Note: This drawing is not intended to show acceptable massing height finish or layout nor in any way to indicate the type of building that may be acceptable.

8 Implementation

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Appendix 1: Adopted Replacement Local Plan Policies

Explanation of Employment Strategy Si

Employment Objectives

- Ei. To encourage employment growth opportunity and prosperity in a sustainable manner, which caters for both the needs of the urban and rural areas of the District whilst protecting the environment.
- Eii. To promote the use of suitable buildings in the countryside for employment uses.
- Eiii. To protect from changes to other uses all the existing large employment sites and allocations which are major generators of employment.
- Eiv. To encourage new firms and opportunities for the growth of local firms.
- Ev. To provide sufficient land for employment development to meet the requirements of the Structure Plan.
- Evi. To improve the quality and encourage the maximum use of existing allocated employment areas, increasing the potential for employment opportunities and providing a high quality environment.
- Evii. To encourage the use of land and buildings in connection with tourism.
- Eviii. To provide an appropriate level of employment opportunities in the smaller settlements and the countryside.

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

Preamble to Policy E3:

This site is located close to the Heybridge Basin Conservation Area. Development must conserve or enhance the setting of the conservation area. It is within a tidal flood risk area and development must satisfy the requirements of the Environment Agency. Access is constrained by the capacity of Basin Road and the junction on the Goldhanger Road. The employment component of a mixed-use development must make a contribution to the employment strategy of the Local Plan.

POLICY E3 Mixed Use Development - Timber Yard, Heybridge Basin

Within the former timber yard site in Heybridge Basin shown on the Proposals Map, planning permission will be granted for a mixed-use development of housing and Class B1 employment uses provided:

- a. The extent of Class B1 uses promotes the objectives of the Employment Strategy.
- b. Flood risk measures satisfy the requirements of the Environment Agency.
- c. Development conserves and enhances the setting of the nearby Conservation Area.

POLICY CON1 Development in Areas at Risk from Flooding

Development in areas at risk of flooding as shown by the latest Flood Risk Maps will only be permitted where:

1. There are no alternative sites suitable for the type of proposed development at lower risk of flooding taking account of all sustainability criteria; and
2. It would not have an adverse impact on the function of the flood zone; and
3. It would not increase the risk of flooding elsewhere.

Appendix 1: Adopted Replacement Local Plan Policies

MALDON DISTRICT LOCAL DEVELOPMENT FRAMEWORK | Supplementary Planning Document:
Heybridge Basin Timber Yard

With regards to building Policy BE1 applies:

POLICY BE1 Design of New Development and Landscaping

Development Proposals will be permitted if:-

- a. They are compatible with their surroundings, and/or improve the surrounding location in terms of :**
 - i. Layout**
 - ii. Site coverage**
 - iii. Architectural style**
 - iv. Scale / bulk / height**
 - v. External materials**
 - vi. Visual impact**
 - vii. Effect on the safety and/or amenity of neighbouring properties or the occupiers therein**
 - viii. Relationship to mature trees**
 - ix. Relationship to important landscape or open spaces**
 - x. Traffic impact and access arrangements.**
- b. Within defined development boundaries they harmonise with the general character of the area in which they are set;**
- c. Outside defined development boundaries they make a positive contribution to the landscape and open countryside;**
- d. Measures to protect important nearby features such as trees and historic buildings during the construction process are included;**
- e. Landscaping is included as an integral part of the overall design;**
- f. Amenity space is provided appropriate to the type of development.**

DESIGNED AND PRODUCED BY

APPENDIX 4

**MALDON DISTRICT COUNCIL
PRINCES ROAD
MALDON
ESSEX CM9 5DL**

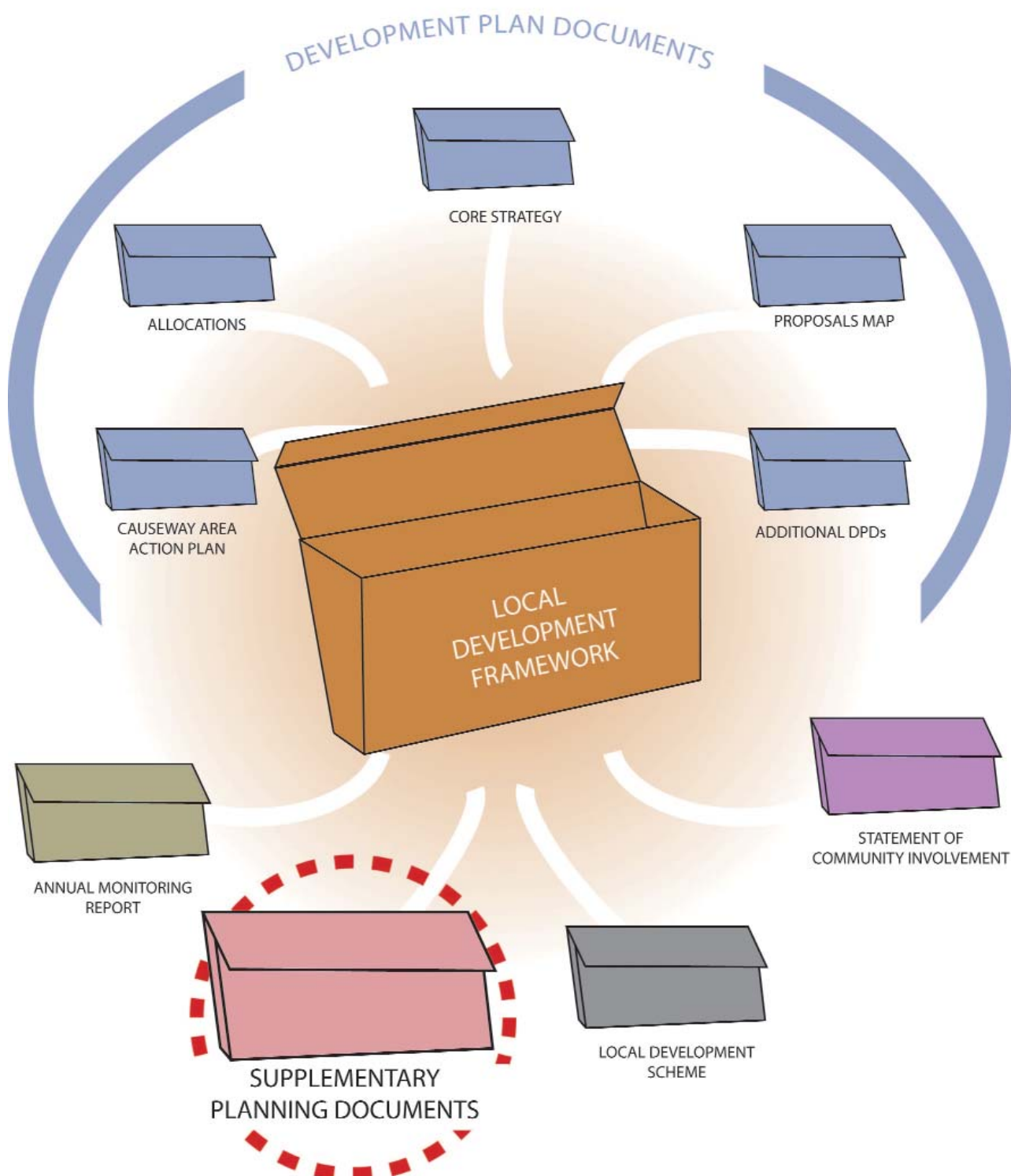
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MALDON DISTRICT
LOCAL DEVELOPMENT
FRAMEWORK

Sadd's Wharf
ADOPTED
SUPPLEMENTARY
PLANNING DOCUMENT









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Adopted Maldon District Replacement Local Plan - Relevant Policy	



SADD'S WHARF AND IMMEDIATE SURROUNDINGS - AN AERIAL VIEW



1.1 Background

The former Sadd's Timber Wharf forms part of the 'Causeway' Industrial Area running between Maldon to the south and Heybridge to the north. The wharf faces the town of Maldon across the River Chelmer and currently lies derelict.

In accordance with its adopted Replacement Local Plan and Local Development Scheme, Maldon District Council is preparing a Supplementary Planning Document (SPD) for the regeneration of Sadd's Wharf, Maldon for mixed office, residential and leisure uses.

Sadd's Wharf may be considered as the premier, or showcase, development site within Maldon District. Consequently the District Council is looking for a visionary approach to the site's development not only to make the most of the site's location, but also to act as a catalyst to further regeneration in the area and to demonstrate best practice in mixed use development.

The Council's vision therefore is of a comprehensive, high quality redevelopment of the site resulting in a vibrant, attractive place to be, offering new opportunities for people to live, work and enjoy their leisure time.

1.2 Purpose of the brief

This Supplementary Planning Document (SPD) has been prepared to assist developers when drawing up proposals for the redevelopment of Sadd's Wharf and if appropriate to assist in marketing the site. The site's recent history is one of under-use and dereliction, and Maldon District Council is keen to see its redevelopment. Central Government through advice in Planning Policy Statements (PPSs) encourages urban regeneration and the re-use of previously developed land.

Maldon District Council considers that a development brief is required for the site in order to set out in sufficient detail the relevant planning matters that elaborate the Council's Local Plan Policy as well as other important policy or contextual issues that have a bearing on the site. In particular it will guide an appropriate mix of uses.

Sadd's Wharf occupies a prominent position on Maldon's waterfront and offers a significant opportunity to act as a catalyst for wider regeneration of the Causeway area within which the site is situated. This wider regeneration is programmed to be the subject of a future Causeway Area Action Plan under the emerging Maldon District Local Development Framework.

The brief identifies development opportunities and provides guidance on land uses, site planning and building scale, form and detailing to make more efficient use of the land, help achieve development quality and ensure that new development improves and enhances the relationship between the site and the surrounding area.

The development brief has been prepared by Maldon District Council in accordance with PPS12 - Development Plans (2004). This development brief is consistent with national and regional planning policy and guidance, as well as the policies set out in the adopted development plan.

The consultation on this SPD provides an opportunity for any organisation or individual to influence the evolution of a key development opportunity in the heart of the Maldon



waterfront. Views will be particularly welcomed from key stakeholders and community representatives such as the Town Council, local amenity societies and other local groups and individuals as well as the site owners, nearby businesses and local residents who live next to or near the site. The draft will be amended to take into account the representations received.

1.3 Status of this document

This document will be adopted as a Supplementary Planning Document in accordance with the commitments set out in the adopted Local Development Scheme. It is the subject of public consultation and community engagement in accordance with the District Council's Statement of Community Involvement, found to be sound by the Planning Inspectorate in December 2006 and adopted by the District Council on 15 February 2007. As an adopted SPD, the guidance will carry significant weight in the determination of future planning applications at the Sadd's Wharf site.

The SPD elaborates Maldon District Replacement Local Plan policy and will be taken into account as a material consideration when considering applications for the site. The Government gives substantial weight to SPD which is consistent with the development plan and has been prepared in the proper manner. The SPD is accompanied by a Sustainability Appraisal for which a Scoping Report has been prepared and issued for consultation.

2.1 Government guidance

Key Government policy and guidance is contained in Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The following are considered to have relevance for the Sadd's Wharf, Maldon SPD:

PPS1:	Creating Sustainable Communities
PPS3:	Housing
PPG4:	Industrial, Commercial Development and Small Firms
PPS7:	Sustainable Development in Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPS12:	Local Development Frameworks
PPG13:	Transport
PPG15:	Planning & Historic Environment
PPG17:	Planning for Open Space, Sport and Recreation
PPG21:	Tourism
PPS25:	Development and flood risk

The objective of Government policy and guidance set out in PPS1 is to encourage sustainable development through social progress, maintaining the economy, environmental protection and prudent use of resources. It promotes high quality design to enhance the quality of urban life and encourages the efficient use of land particularly where close to local facilities and public transport connections. The guidance recognises that well planned green spaces can help create pleasant urban environments.

PPS3 promotes more sustainable patterns of development by focusing future housing within urban areas, and requiring that efficient use is made of previously developed land. PPG 13 advises that local authorities should make maximum use of sites which are highly accessible by public transport.

PPG15 reinforces the provisions of the Planning (Listed Building and Conservation Areas) Act 1990, which requires local authorities to have regard to the desirability of preserving the setting of listed buildings. It also places an obligation on local authorities to preserve and enhance the special character of conservation areas.

PPS25 indicates that Local Plans should outline the consideration which will be given to flood issues. They should apply the precautionary principle to the issue of flood risk, using a risk-based search sequence to avoid such risk where possible and managing it elsewhere and developers should fund the provision and maintenance of flood defences that are required because of the development. Attention is drawn to Annex D of PPS25 and for the requirements of the 'sequential test' to be met in relation to the whole development, and for the 'exception test' to be met in respect of any residential component of the scheme.

2.2 Essex and Southend-on-Sea Replacement Structure Plan April 2001

The Essex and Southend-on-Sea Replacement Structure Plan forms part of the approved Development Plan for the area. Its policies interpret for Essex recent Government guidance regarding sustainability and making efficient use of previously developed land.

Policies CS1 and BE1 seek to achieve significant enhancement of the vitality and viability of the urban environment. They require that efficient use is made of accessible land within existing urban areas that is well served by public transport. Policies CS1, BE2 and H4 promote mixed land uses. Policy BE1 and CS2 establish a framework for protecting the character and townscape of the urban environment generally. Under Policy BE5 new development should provide/contribute to necessary improvements to community facilities, public services, transport provision and other essential infrastructure which is made necessary by the proposed development.

2.3 Maldon District Replacement Local Plan November 2005

The strategy for the District recognises the importance of protecting the coast and countryside whilst achieving a better balance between new homes and jobs within the District. The policy background is set by the adopted Maldon District Replacement Local Plan 2005.

Appendix 1 sets out the range of policies which may have a bearing on the development of Sadd's Wharf and specific reference should be made to these alongside this development brief. Of particular relevance are constraint policies CON1 as the site lies within a flood risk area and CON3 as the site has a coastal location; both these policies will require an acceptable mitigation response to deal with these constraints.

Policy CC1 requires development at the site to have no adverse impacts on the adjacent internationally important nature conservation site of the Blackwater Estuary.

Housing policies H6 and H9 guide requirements for site density and the expected level of affordable housing respectively.

The key policy for approaches to design and landscaping is BE1. Adherence to policy BE2 will ensure access for all. Policy REC3 guides provision of children's play spaces in conjunction with housing and policy T8 refers to parking provision requirements. Both are elaborated in adopted Supplementary Planning Documents. Policy T2 guides appropriate transport infrastructure in new developments.

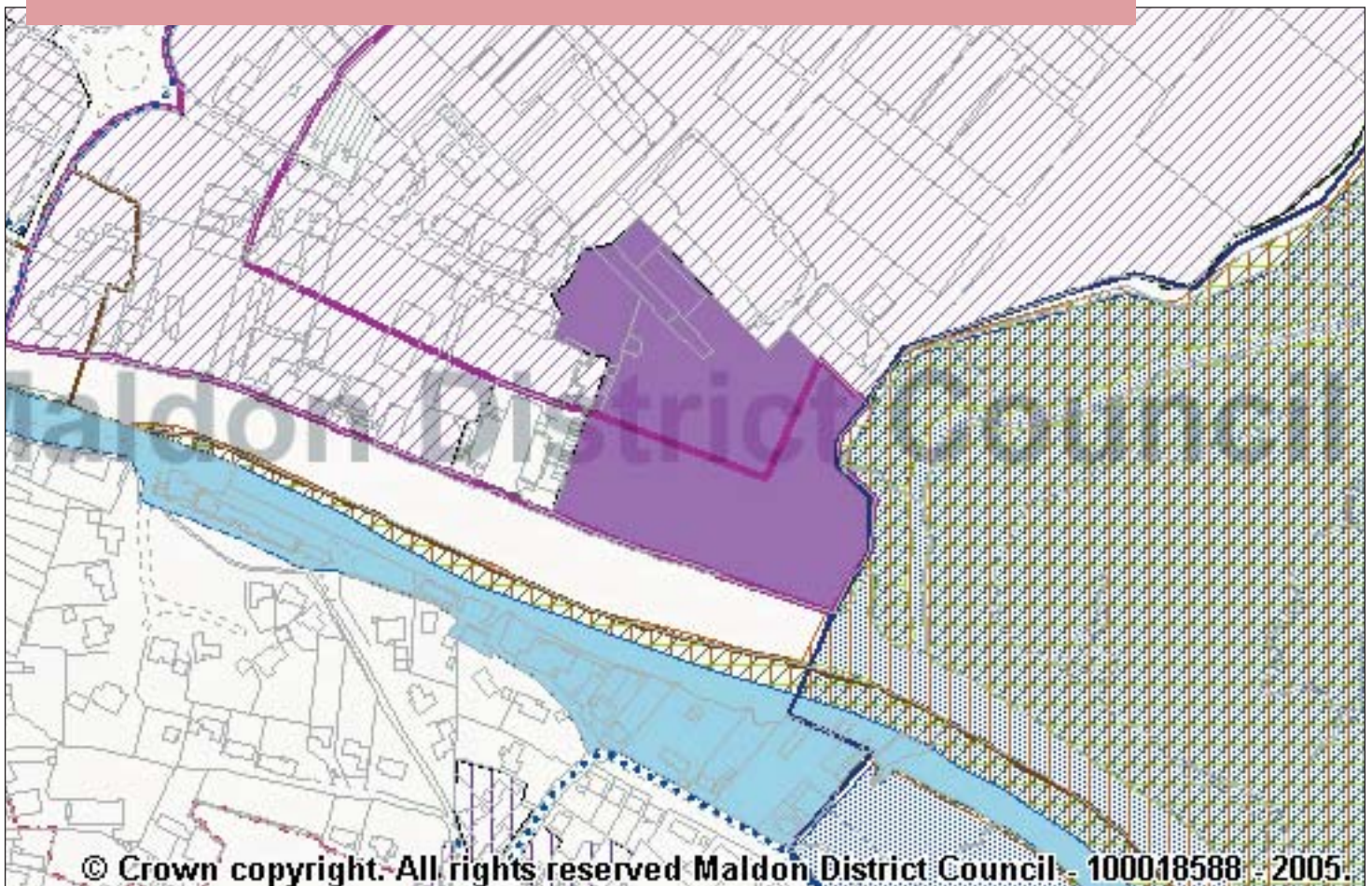
The specific policy that this SPD will elaborate is policy E4 within the Maldon District Replacement Local Plan as follows:

POLICY M/E/4 Mixed Use Development - Sadd's Wharf.

On the site of Sadds Wharf, Station Road, Maldon shown on the Proposals Map, planning permission will be granted for a mix of uses including offices, housing and leisure provided;

- (a) The design form and scale of the buildings permitted and the materials used in their construction shall be compatible with:
 - (i) the adjacent buildings known as 'The Granaries,'
 - (ii) the character of the buildings located within the designated Conservation Area to the south, and
 - (iii) the scale of the adjacent estuarine landscape.
- (b) Development does not lead to highway impacts that have an adverse impact on the existing employment uses in Station Road.
- (c) Flood risk measures satisfy the requirements of the Environment Agency.

LOCATION OF SADD'S WHARF - EXTRACT FROM MALDON DISTRICT REPLACEMENT
LOCAL PLAN INTERACTIVE PROPOSALS MAP - NOT TO SCALE





3.1 Site History

The site has a history as a timber yard and was owned and developed by the Sadd family. Imported timber was transferred by barges and lighters from larger vessels in the Blackwater Estuary. Timber was also stored by floating it in the adjacent River Chelmer. There was a packet boat service from the wharf to London until 1851. The steam powered sawmill at the site was destroyed by fire in 1909 to be replaced by two buildings, one for logs, the other for planning and re-sawing. Electricity was also generated on site.

The Sadd's contribution to the second world war effort should also not be understated. Motor launches and torpedo boats were launched from the site and remnants of the slipway can still be seen at the site.

The decline of the timber wharf came towards the later 20th century with the site cleared and then lying derelict to the present day. It is understood that the site was last actively used in the mid-1980s.

3.2 Site context

The Sadd's Wharf site extends to 2.2 hectares.

The site has vehicular access from Station Road to the west, from where there is good linkage via Fullbridge and the A414 to the Maldon by-pass. The trunk road network is then reached via the B1019 to the A12 at Hatfield Peverel.

The immediate access along Station Road is currently congested and in need of improvement. This will need to be addressed as part of the Sadd's Wharf site redevelopment.

The site has been largely cleared of buildings and the ground surface broken up and any significant vegetation removed. The site is largely level becoming more elevated towards the northern boundary.

The site is bounded to the south by the River Chelmer representing the former wharf frontage, to the north, by the Causeway industrial area, to the east by Heybridge Creek and to the west by residential conversions of former granaries.

The wider context of the site is particularly important. To the immediate south of the site across the River Chelmer there is the Maldon Conservation Area and the visual relationship between the site and the Conservation Area is very strong. To the immediate east is the Blackwater Estuary designated as being of international importance for its mudflats and estuarine wildlife as a Site of Special Scientific Interest, Ramsar site, Special Protection Area and Special Area of Conservation. This also stretches to the south of the site along the River Blackwater and Chelmer.

The site is also within the Causeway Industrial Area, itself the subject of a future proposed Area Action Plan Development Plan Document within the Local Development Framework. A successful regeneration of Sadd's Wharf has the potential to act as a catalyst to the wider regeneration of the Causeway Area.



4.1 Site Prominence / Design / Built Environment

The greatest development opportunity presented by the site stems from its location at the junction of the River Chelmer and the Blackwater Estuary facing the historic town of Maldon. This setting requires a positive design approach in order to maximise the unique development opportunity offered.

The Maldon Conservation Area is immediately across the river and development must be designed to enhance its setting. Views to the site from the Conservation Area will be an especially important consideration. Development will need to respect that found within the Conservation Area and around the Blackwater/Chelmer waterfront.

4.2 Access

Existing site access for vehicles, cyclists and pedestrians is from Fullbridge along Station Road. Current level of use and parking means the road is congested and therefore in its existing condition is inappropriate to service the Sadd's Wharf site.

There is the opportunity for pedestrian and cyclist access to the waterfront areas of the site and also by a new link across the River Blackwater to Maldon. In addition access to the wider Causeway Area, particularly waterfront areas, is likely to be a future opportunity in conjunction with the proposed Causeway Area Action Plan. This will also apply to vehicular traffic between the site and the wider Causeway area. An opportunity for an alternative site access for vehicular traffic may also be presented by regeneration of the wider Causeway area.

4.3 Contaminated Land

The site's former industrial use means land contamination may be a development constraint.

The minimum requirements to be submitted with any planning application for the redevelopment of this site are identified in Paragraph 2.43, Annex 2 of PPS23. In accordance with Paragraphs 6 and 17 of PPS23, these studies must be undertaken prior to the determination of any planning application and will be especially important considering the close proximity of this redevelopment site to the Blackwater Estuary SPA/SAC/SSSI/Ramsar Site.

In relation to this site, the Environment Agency are only concerned with contamination issues relating to controlled waters and waste. Maldon District Council's Environmental Services department should also be consulted with regard to human health concerns.

Given the previous use of the site, it is likely that an intrusive site investigation will be required. The Environment Agency would therefore urge any applicants to submit the minimum requirements to them for comment prior to submitting a planning application.



4.4 Flood Risk

The most significant constraint on the potential development of the site is the flood risk as set out in the Environment Agency Flood Maps. The site is situated within Flood Zone 3 - High Probability as defined in Table D1 of Annex D, PPS25.

A strategic flood risk assessment is being prepared for Maldon District which will include the Sadd's Wharf site. This will give further detail on the likely nature of flood risk at the site together with an indication of potential mitigation measures.

A flood risk assessment will be required to accompany a development proposal to meet part C of the PPS25 exception test.

Flood risk investigation must take account of tidal flooding, fluvial flooding and tide-locking.

Due to the complex hydrological elements in the Maldon area, any investigation into the flood risk for this site must take into account tidal flooding, and also any possible effects of fluvial flooding and a tide-locking scenario.

The sea defence in this area has a standard of protection of 1 in 191. Given this, the Sadd's Warf area is not adequately defended in a 1 in 200 year tidal flood event, thus an overtopping analysis must be included in any assessment of flood risk. The overtopping analysis must take into account the increase in sea level resulting from climate change as indicated in Table B.1 of PPS25 as appropriate for the development type (60 years for commercial and 100 years for residential). It cannot be assumed that the existing sea defence will be maintained or improved to adequately defend development in this area for its lifetime. We have permissive powers, but not a statutory duty, to carry out or maintain flood defence works in the public interest.

For the 1 in 200 year overtopping analysis, the results should be used to determine whether there would be a safe access/egress route between the site and local facilities that are likely to be used as places of assembly during flooding. It is preferable that such routes remain dry and, if that is not possible, then they must satisfy the white cells of Table 13.1 of FD2320.

Additionally, investigation into flood risk should include the results of an overtopping scenario for a 1 in 1000 year tidal flood event. The results of the 1 in 1000 year overtopping scenario will enable the Local Authority to consult the emergency services and emergency planners regarding evacuation from the site.

An assessment of potential surface water flooding must be addressed within the flood risk assessment. The Environment Agency would expect to see the use of Sustainable Drainage Systems (SUDS) in any surface water management plan produced for this site. Annex F of PPS25 provides further information on this subject. It is important to note that the design of this surface water management system may be reliant on the outcome of the contamination studies also required at this site (see 4.3).

In addition to the above, the Environment Agency is also in the process of preparing the Blackwater and Colne Estuarine Strategy. This document will identify

the most sustainable flood management strategy for the estuaries for the next 50 years, having considered socio-economic, environmental and hydrodynamic factors. The strategy will include an identification of areas for future managed realignment and where the existing defence must be maintained. Not much information is available at this stage, however the Environment Agency is very concerned over the future sustainability of developing this site.

Due regard should be given to the vulnerability classifications of the proposed development types on-site and their compatibility with flood risk. According to Table D.2 of PPS25, the uses proposed for Sadd's Warf regeneration have the following vulnerability classifications:

GENERAL TYPE OF USE	SPECIFIC TYPE OF USE	VULNERABILITY CLASSIFICATION
Private Residential	-	More vulnerable
Business	-	Less vulnerable
Professional Services	Architects, accountant, consultancies, etc.	Less vulnerable
Restaurants/Cafes	-	Less vulnerable
Drinking Establishments	-	Less vulnerable
Non-Residential Institutions	Children's day care, crèche/nursery	More vulnerable
	museum, art gallery, exhibition space	Less vulnerable

In light of the above, it must be acknowledged that private residential uses are only appropriate where the sequential test and the exception test are passed.

Anglian Water require confirmation on land use in order for the site to be modelled to determine the foul water drainage strategy and any necessary improvement works.

Due to the site location Anglian Water need confirmation that any formal flood risk assessment for the site as required under PPS25 will ensure that any potential flooding of the site will not impact on the foul drainage system.

4.5 Natural Environment

The site lies adjacent to the Blackwater Estuary of international significance as a Site of Special Scientific Interest, Special Protection Area, Ramsar Site and the Essex Estuaries Special Area of Conservation. Development will have potential disturbance on over-wintering birds and increase the number of people using and living on the boundary of the statutory protected sites. The sensitivities involved to the estuary both during and after construction will be an important consideration at Sadd's Wharf and potential constraint to development options.

There is a possibility that the site hosts invertebrates and reptiles.



5.1 Mix of land uses

The District Council recognises the site's history as an employment site and wishes to ensure replacement employment uses predominate within the future mix of uses on the site recognising both the site's surrounding uses and the limitations for the scale of future housing development imposed by the site's flood risk. Conversely it is acknowledged that some housing at the site may be necessary to make the site's development viable.

The District Council has sought initial expert advice on the process of establishing the economic viability of the site's development. Sadd's Wharf presents many variables for determination of viability and the District Council is of the view that these costs should primarily be borne the developer. As part of good planning for the site preferred percentages of residential and office or other business uses are identified under 5.2 'Development Requirements' below. Should a developer propose to depart from these preferred percentages on grounds of economic viability, a clear case will need to be made within a planning application and this will be assessed as part of the application process.

Assessments other than those for economic viability may also impact on the final percentages for mix of land uses (in particular Flood Risk Assessment). Again such assessments will be used to inform a final decision as part of the planning application process.

The site's prominent waterfront location makes it attractive to other uses and a proportion of leisure uses that utilise this are also considered appropriate.

Policy E4 of the Local Plan specifically refers to offices being the appropriate type of employment use to be provided on the site. The District Council will, however, give favourable consideration to other uses falling within the scope of the Business (B1) Use Class (research and development, and light industry) where this helps to deliver a comprehensive, viable and vibrant scheme and where urban design objectives and requirements are also met.

In summary the Council will seek mixed uses to meet the following objectives:-

- Creation of sustainable employment as the predominant site use;
- Creation of a sustainable residential neighbourhood;
- Creation of a safe, lively character with a variety of leisure activity;
- High quality design.

5.2 Development Requirements

Amount of non residential floorspace

The Council will seek a minimum of 50% of the developed floorspace for office or other Business use (Class B1) to ensure continued employment use of the site predominates within the mixed use approach.

**Preferred location of non-residential uses**

The Council will seek non-residential uses at ground floor level on the site in order to contribute to the diversity of uses and to address flood risk issues and create focal points for activity.

Amount of residential floorspace

Sufficient residential floorspace to ensure the viability of the redevelopment of the site is acknowledged as appropriate by the Council. This is not anticipated to be greater than 40% of developed floorspace and must include affordable housing amounting to at least 30% of the number of dwellings permitted on site. A residential density of 30-50 units per hectare is considered appropriate. Greater residential density may be appropriate subject to acceptable flood risk and access mitigation.

Adaptable units

The Council will accept attractive, open-fronted, high ceiling, mergeable/sub-divisible, flexible-use units, capable of accommodating alternative non residential uses, in the interests of creating a business character, meeting unforeseen demand and for future economic sustainability.

Appropriate intensity of use and satisfactory built form

The Council wants to avoid segregated uses. It will not accept single storey buildings and detached, single-use buildings unless it can be demonstrated that these form part of comprehensive development proposals and such stand-alone uses integrate with and are complementary to the remainder of the site. Residential developers will be encouraged to develop mixed-use buildings.

Leisure provision

The Council wishes to ensure the vitality of the site's development and considers up to 30% of developed floorspace appropriate for leisure uses.

5.3 Appropriate Land Uses

New development should complement the existing surrounding uses and exploit the close association with the river frontage. The Council envisages that new office, residential and leisure uses will be complementary to the existing grain of the nearby Conservation Area.

As part of a mixed use development of Sadd's Wharf careful consideration should be given to the retention of a wharf facility along the River Chelmer frontage. Such a wharf facility might cater for leisure use or for instance mooring of Thames Barges as occurs at the Hythe in Maldon or alternatively a level of transshipment. The scale and use of the wharf should complement or conform with the mix of uses identified in any development solution and should not impact adversely on navigation in the River Chelmer.

Possible appropriate land uses are outlined below. All the uses are compatible with each other as long as they are carefully integrated within the overall development scheme and surrounding area, attending to possible excessive impact in terms of traffic, noise and activity.

Private residential
Use class C3

Mixed tenure, mixed size residential units, are an essential requirement proportionate with ensuring the development viability of the site. The Council will seek affordable housing in accordance with Policy H9 of the adopted Replacement Local Plan.

Business
Use class B1

B1 office uses not covered under A2 are appropriate. The Council will accept different types of accommodation including:

- premises for small and medium size B1 offices or businesses;
- managed space for small business enterprises sharing resources;
- flexible use studios;
- flexible use community or low value activity;
- large business occupier;
- non-office B1 uses - there is scope on the site for a B1b/c block, perhaps to the rear (N) of the site which could include managed workspace.

Professional services
Use class A2

Non-retail uses serving visiting members of the public will be acceptable (architects, accountants, consultancies, etc).

Restaurants and Cafes
Use class A3

A class A3 use is acceptable provided it is integrated with new living and working accommodation and complements the setting of the site.

Drinking establishments
Use class A4

A class A4 use may be acceptable provided it is integrated with living and working accommodation and management processes can be introduced to control access and noise. It must also complement the setting of the site.

Non residential institutions
Use class D1

These will be supported where they support and complement the main proposed uses of the site (eg museum, art gallery, exhibition space). A museum or gallery linked to the local history of the site or surrounding area would be particularly appropriate.



6.1 Site Access and Connections

The site has a range of existing and potential connections to its surroundings. These are summarised in the plan at the end of this section. It will be a requirement of site development proposals to maximise and improve access and connections wherever possible.

6.2 Vehicular Access

Vehicular site access from Fullbridge is along Station Road. This road is already congested with the current level of use and parking and road widening in conjunction with improved traffic management measures and environmental improvements will be required in order for Station Road to become an adequate access for the site which is attractive to pedestrians and cyclists as well as motor vehicles. The improvement of Station Road will therefore be a requirement by way of a section 106 agreement in conjunction with the development proposals for Sadd's Wharf.

Essex County Council Highways and Transportation Department will require submission of a full Transport Assessment to review the junctions in the area and examine public transport, walking/cycling connections and links to the public rights of way network. They will also require details of car parking provision within the Sadd's Wharf development. The scope of the Transport Assessment would need to be agreed with the Highway Authority.

Observations show Station Road is unclassified/private. If planning permission was granted the Highways and Transportation Department would seek improvements to the road ideally leading to its adoption and it becoming maintainable at public expense together with regulation of car parking along Station Road.

In addition consideration should be given via site layout to wider access to the Causeway Area from the site via the proposed Causeway Area Action Plan. Of particular relevance is the potential for a future second access route to the site which may avoid the congestion difficulties in Station Road and give more direct access to the A414.

6.3 Access for Pedestrians and Cyclists

Access for pedestrians and cyclists will be via Station Road but opportunity may also exist by way of a possible new pedestrian footbridge to link the site across the River Chelmer to Maldon. Such a link could help facilitate the sustainable development of the site by bringing Sadd's Wharf within close walking/cycling range of Maldon town centre.

Additional external funding is likely to be required for this and sufficient space would need to be included within a design layout to accommodate a bridge crossing on both the southern and northern banks of the river. Landowner agreement would be needed on an acceptable location at the southern river bank. Bridge works would also require Environment Agency Consent under the Land Drainage Act 1991/Water Resources Act 1991 and approval from the Maldon Harbour Improvement Commissioners as Harbour Authority. Any bridge design would need to accommodate river traffic needing to move



upstream along the River Chelmer to Fullbridge. With a sensitive bridge design there may be an opportunity to enhance landscape character.

The proposed Causeway Area Action Plan is of relevance to pedestrian and cyclist traffic between the site and the wider Causeway area. In addition to the potential bridge link above wider access along the bank of the River Chelmer to the west and Heybridge Creek to the north should be considered in design layout of Sadd's Wharf.

6.4 Circulation within the development

Access and circulation to buildings, within private and public spaces must be suitable for people with disabilities. 'Access for all' will be a requirement of any development proposal. A full access statement will need to be submitted with a planning application.

Pedestrian and cyclist access should be provided to all waterfront areas of the site.

Pedestrian routes should be direct, legible, safe and attractive. Cycle routes should be indicated by paving materials of different colour or levels and be open and attractive with good forward visibility. Vehicle routes should follow the pedestrian network and be designed to regulate traffic flows and speeds.

The standards of the highway authority, Essex County Council, are set out in the Essex Design Guide for Mixed Use and Residential Areas (1997). This has been adopted by Maldon District Council as Supplementary Planning Guidance.

6.5 Vehicle servicing needs

All uses should provide suitable arrangements for off-street servicing and refuse collection. The Council will require details of the types of vehicles and frequency of visit for each use to ensure satisfactory provision. Service access for existing surrounding buildings should be maintained.

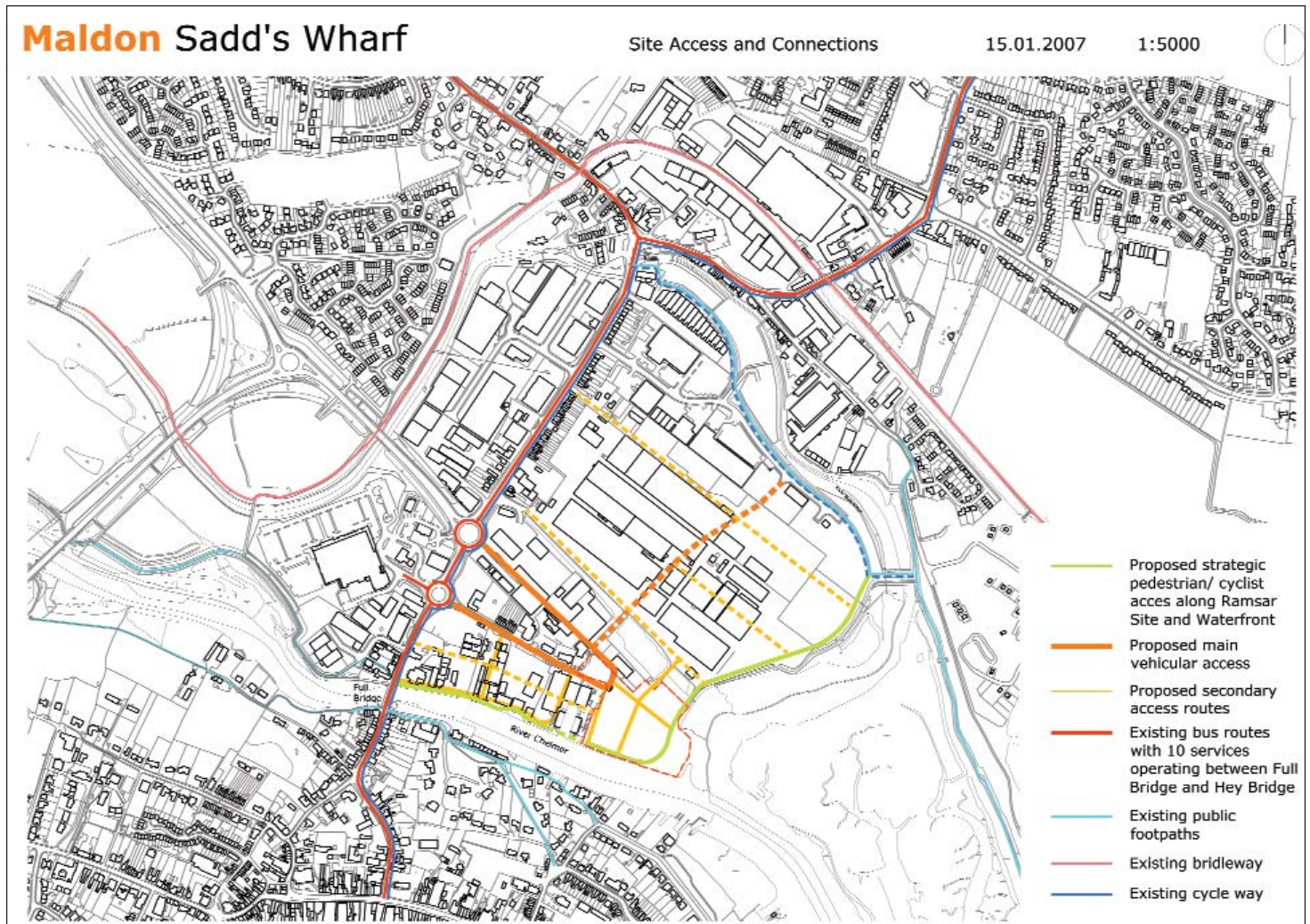
6.6 Vehicle parking

Car parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document 2006. In new residential development this requires, a maximum of one space per dwelling for off-street car parking. (This document is available on the Maldon District Council web site at www.maldon.gov.uk)

For non-residential development, parking provision should aim to accord with the standards. The Council will encourage well thought out, multiple and shared use design solutions to car parking provision.

6.7 Cycle parking

Cycle parking provision will be assessed with reference to Maldon District Council Vehicle Parking Standards Supplementary Planning Document 2006. In residential and workplace development, there is a need for secure, covered storage for bikes at ground level. Cycle parking spaces in underground garages would be acceptable provided that a lockable enclosure is included.





7.1 Design ethos

Redevelopment of Sadd's Wharf will offer the opportunity to regenerate a derelict site and thereby bring it into active use. Design solutions will need to maximise the potential offered by the site's highly visible waterfront location but must respect the historic setting, in particular the nearby Maldon Conservation Area. The opportunity exists, however to make a bold design statement which provides a positive enhancement to the town and may itself act as a catalyst to wider regeneration of the Causeway area.

7.2 Block Structure/Urban Design

The attached plans at the end of this section set out graphic information on expected block structure and urban design. There are key views in and out of the site particularly along the waterside boundaries of the site. These in turn inform the approach to defining key frontages which are also shown as relating to waterfront elevations and also to the site entrance. The corner of the site where the river meets the estuary presents a significant opportunity for a landmark feature as does, to a lesser extent, the site entrance. Any development within a 9 metre zone of the water frontage will require Environment Agency Consent under the Land Drainage Act 1991/Water Resources Act 1991.

Reference to the Essex Design Guide and Urban Place Supplement is also appropriate and recommended when considering urban design and layout options. These documents will be incorporated into a Maldon Design Guide SPD to be prepared and adopted during 2007 at which time it will become a material consideration for the layout and more detailed design of the site.

The close proximity to the Maldon Conservation Area and nearby granary buildings means any potential development must be designed to enhance its setting. Views to the site from the Conservation Area will be an especially important consideration with implications for the form, scale, massing and construction detailing of new development which will need to respect that found within the Conservation Area and around the Blackwater/Chelmer waterfront. It is likely that development over more than three storeys will be inappropriate. This general restriction might be relaxed on the waterfront corner of the site to create a landmark feature.

7.3 Location of public open space

Public open spaces should be located where they are visible and accessible from the surrounding area. They should be located and shaped to help create a sense of location and community ownership. The Council will welcome open spaces designed to cater for public leisure activity relating to enjoyment of the sites waterfront location (see block structure/urban design plan). A significant amount of this space must be located adjacent to the waterfront.

All footways must be convenient and comfortable for all users, allowing level access to building entrances and usable by wheelchair users.



Wherever possible public open space should be multifunctional. It should contribute to the biodiversity/ecological value of the site, aid in flood risk mitigation by contributing to a SuDS scheme and be integrated into the pollution prevention scheme for the site.

7.4 Car parking design

Car parking should be provided in a mixture of different forms. Taking account of the existing flood risk ground level parking under the rear of buildings or parking hidden behind buildings are acceptable.

Boulevard parking on street space between the fronts of buildings and parking squares designed as public realm may also be possible.

7.5 Sustainable Construction and Energy Efficiency

As the District's 'showcase' site, the development of Sadd's Wharf will make a significant contribution to energy efficiency, water efficiency, flood risk management and waste minimisation in its own right as well as offering an example of good practice to development in the district. The following statement is drawn from the Maldon District Replacement Local Plan:

'...the Council recognises that new development has an impact on the environment by way of energy and water use as well as the production of waste, (both in the construction process and afterwards when the development is occupied). Careful attention to these issues can reduce the impact on the environment in much the same way that good design can make a positive contribution. In the same way that the quality of design is now a material consideration in development control decisions the Council will start to consider the water, energy and waste implications of development in the development control process'.

'Carbon neutral' development is becoming increasingly important at Government level to the extent that all new housing development will need to be carbon neutral by 2016. Maldon District Council will encourage a carbon neutral development at Sadd's Wharf.

Development should seek to minimise the use of resources and the production of waste by incorporating, for example, passive systems using natural light, air movement and thermal mass. High levels of energy and water efficiency should be ensured in the redevelopment. It will therefore be important to ensure that the new development incorporates water efficiency measures. The Government's expectations for water efficiency in new buildings are set out in the DCLG publication 'Water Efficiency in New Buildings'.

In addition to the above, the Government's objectives for achieving zero carbon developments are set out in "Building a Greener Future: Towards Zero Carbon Development".

The above approach ties in with the newly published "Code for Sustainable Homes". As a minimum a 3 star rating should be sought under the Code for Sustainable Homes for any development proposals.



A BREEAM Assessment should also be submitted for the non-residential elements of the redevelopment and must be submitted with any planning application. When undertaking this assessment, the highest possible standards for water efficiency, energy efficiency, surface water drainage and waste minimisation must be sought.

Sustainable Construction and Energy Efficiency matters will be incorporated into the forthcoming Maldon District Design Guide SPD during 2007 at which time it will become a further material consideration for the layout and more detailed design of the site.

7.6 Biodiversity

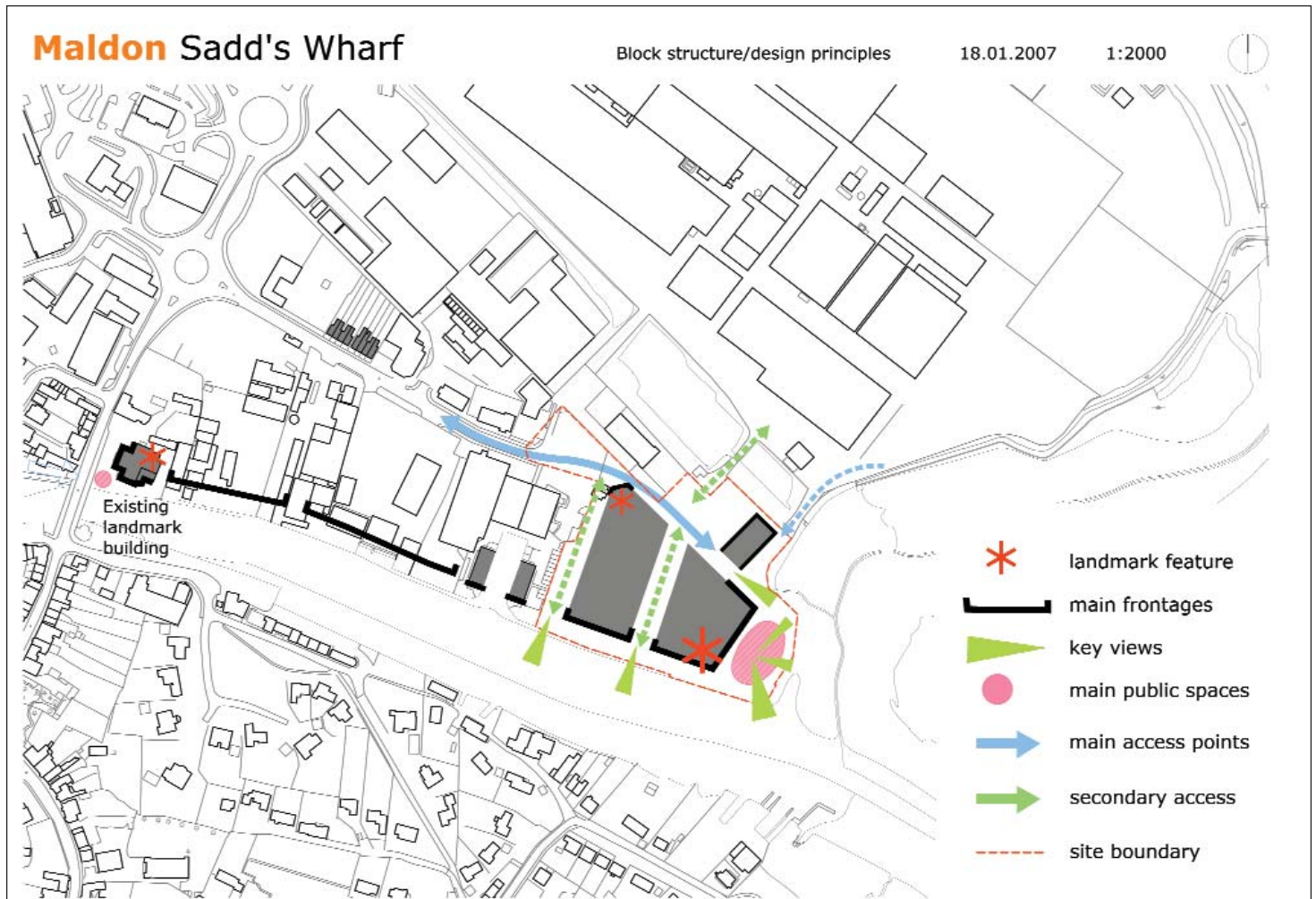
Development should consider incorporating biodiversity enhancements into the new development. Consideration should also be given to provision of functional linkages for movement of species between existing and newly created habitats. Where possible enhancements should seek to meet Biodiversity Action Plan targets.

7.7 Designing out crime

Orientation of building fronts and backs should ensure privacy for occupants and adequate surveillance of streets, pedestrian and cycle links and public spaces.

Public space should be attractive with a high degree of casual surveillance from surrounding properties to encourage good levels of usage. Well-lit public cycle and pedestrian routes that provide a safe and secure environment will be encouraged. The Council will encourage shared access, parking, amenity play spaces, on the "home-zone" principle, subject to management and maintenance arrangements.

Car and cycle parking areas should have good surveillance and designed to deter crime.



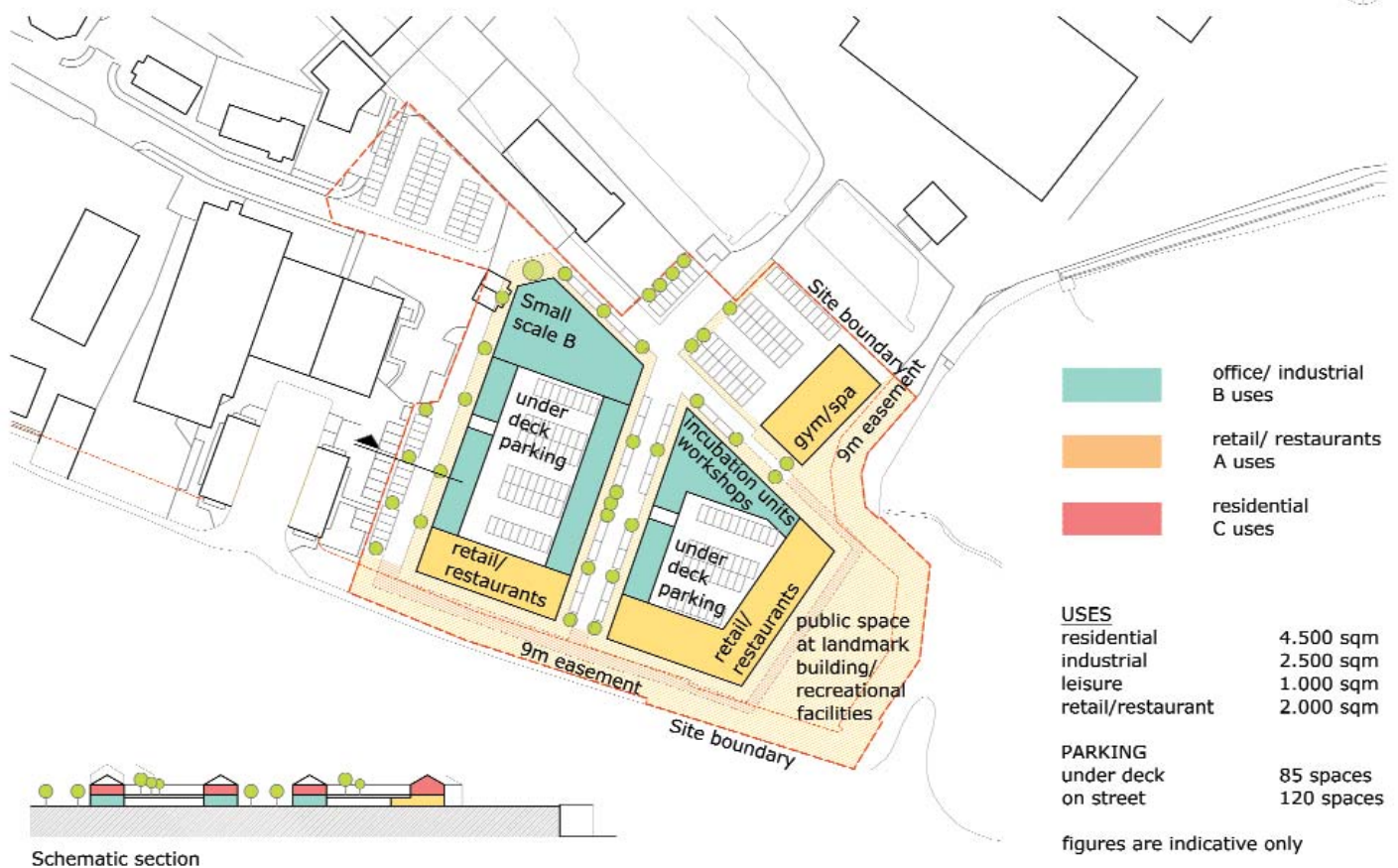
GROUND FLOOR SECTION

Maldon Sadd's Wharf

Ground floor/ section

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Schematic section



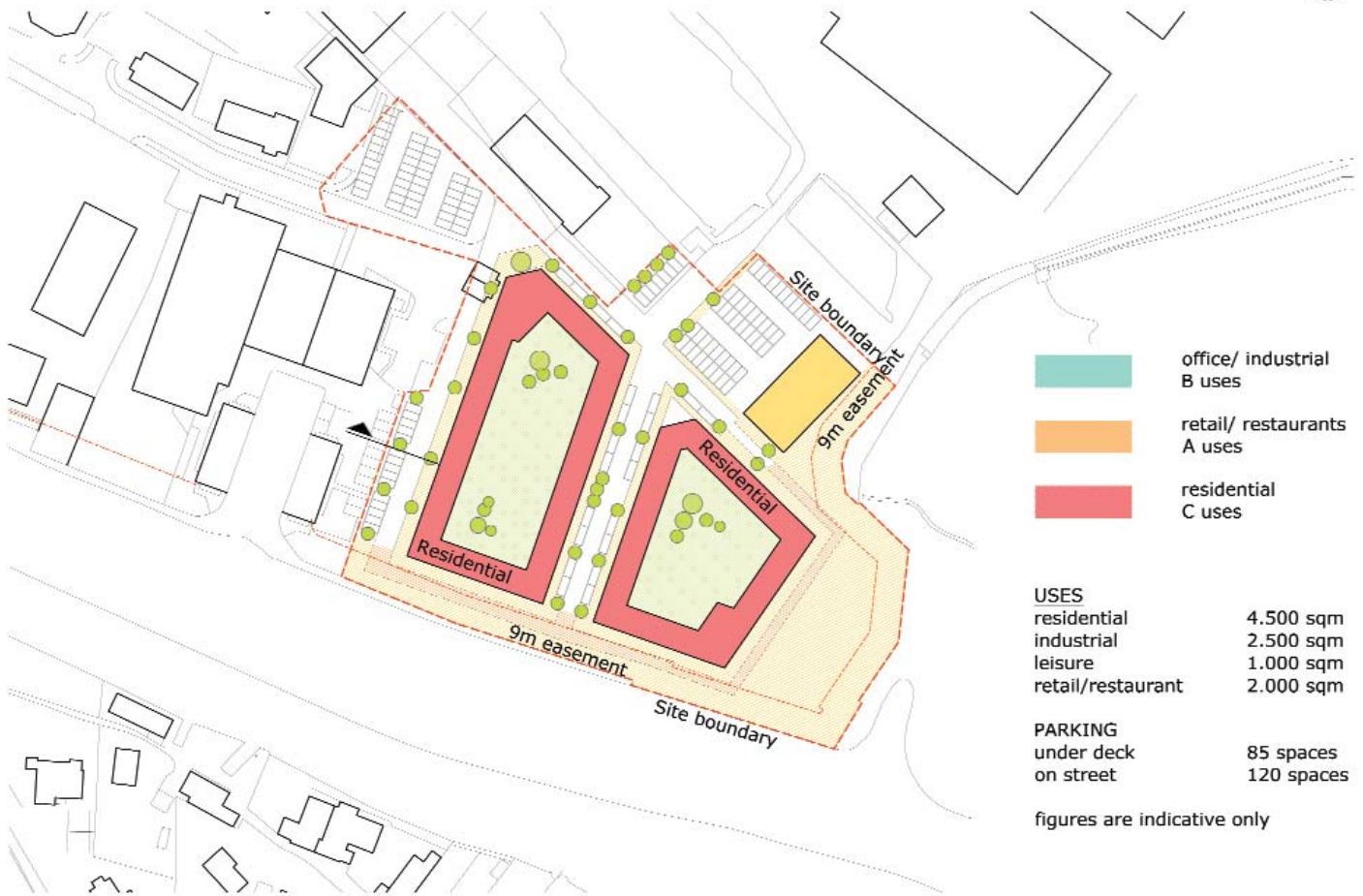
FIRST FLOOR SECTION

Maldon Sadd's Wharf

First Floor/Upper Floors

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Maldon District Council will apply the following planning application requirements:

- A planning application may be made for full or outline permission. If an outline application is submitted, the application should be accompanied as a minimum by a Master Plan showing the proposed layout, key urban design principles, and mix of uses proposed.
- The initial planning application should relate to the whole of the area covered by the brief. In order to ensure the entire site is developed, proposals for development of part of the site will not be acceptable.
- Any application should be accompanied by evidence in respect of the impact of the development on the following matters:
 1. Flood Risk Assessment;
 2. Access, transport and parking;
 3. Travel Assessment;
 4. Travel Plan;
 5. Design and Access Statement including Urban Design approach;
 6. Ground Condition Survey with decontamination plan if necessary;
 7. An independent appraisal of wildlife and fauna on site and effect of development on other nature conservation interests. This should also include an enhancement/mitigation scheme for the site;
 8. Environmental Assessment if the proposal is likely to have a significant effect on the environment.
- A developer will be expected to enter into a section 106 agreement with the District Council for the following matters:
 1. Affordable housing provision;
 2. Necessary highway improvements;
 3. Environmental improvements to Station Road;
 4. Cycleway provision to the site including along Station Road;
 5. Provision of public domain areas to also cover management arrangements.

Adopted Maldon District Replacement Local Plan - Relevant Policy

The following policies may be relevant to the development of Sadd's Wharf. For full details refer to the Maldon District Replacement Local Plan.

POLICY S1	Development Boundaries and New Development
POLICY CON1	Development in Areas at Risk from Flooding
POLICY CON2	Sustainable Drainage Systems
POLICY CON3	Coastal Defence
POLICY CON5	Pollution Prevention
POLICY CON6	Contaminated Land
POLICY CON7	Development Affecting Airports
POLICY CC1	Development Affecting an Internationally Designated Nature Conservation Site
POLICY CC2	Development Affecting a Nationally Designated Nature Conservation Site
POLICY CC3	Development Affecting Locally Designated Nature Conservation Sites
POLICY CC5	Protection of Wildlife at Risk on Development Sites
POLICY CC9	Maldon Riverside Area
POLICY CC10	Historic Landscape Features
POLICY CC11	The Coastal Zone
POLICY CC12	Maldon Waterside Area
POLICY H1	Location of New Housing
POLICY H3	Housing Provision
POLICY H4	Land Allocated for Residential Development
POLICY H6	Housing Density
POLICY H9	Affordable Housing
POLICY H11	Special Family Needs
POLICY H13	Houseboats
POLICY E1	Protection of Existing Allocated Employment Sites
POLICY E4	Mixed Use Development - Sadd's Wharf
POLICY E5	Frontage to the River Chelmer
POLICY E8	Working from Home
POLICY BE1	Design of New Development and Landscaping
POLICY BE2	Inclusive Access and Accessibility
POLICY BE3	Public and Private Amenity Spaces
POLICY BE4	Designing a Safe Environment

POLICY BE5	Parking Areas
POLICY BE7	Design of Shop Fronts
POLICY BE8	Lighting
POLICY BE9	Advertisements on Buildings
POLICY BE13	Development in Conservation Areas
POLICY BE18	Control of Development at a Site of Local Archaeological Value
POLICY REC1	Allocation of Land for Formal Public Open Space
POLICY REC3	Children's Play Space Associated with New Housing Developments and Elsewhere in the District
POLICY REC4	Allocation of Land for Informal Open Space
POLICY REC5	Provision of Informal Open Space
POLICY REC6	Provision of Amenity Areas
POLICY REC8	Open Spaces in Towns and Villages
POLICY REC9	Indoor Sports, Leisure and Recreation Facilities
POLICY REC10	Public Rights of Way
POLICY REC16	Permanent Uses of Land or Water for Sport
POLICY REC17	Water Recreation Facilities
POLICY REC19	Hotel and Guest House Accommodation
POLICY T1	Sustainable Transport and Location of New Development
POLICY T2	Transport Infrastructure in New Developments
POLICY T4	Cycle Routes
POLICY T5	Cycle Parking Provision in New Developments
POLICY T6	Improvement to Pedestrian Facilities
POLICY T7	Shared Car Parking in New Development
POLICY T8	Vehicle Parking Standards.
POLICY PU2	Recycling Facilities in New Developments
POLICY PU6	Renewable Energy

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This document can be made available, on request, in larger print, braille and audio and languages other than English. To obtain a copy in an alternative format please contact The Spatial Planning Team on 01621 876202. It can also be viewed on our website: www.maldon.gov.uk

