



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
COUNCIL (EXTRAORDINARY)
28 FEBRUARY 2019

Application Number	FUL/MAL/18/01439
Location	Land South Of Wycke Hill And Limebrook Way, Maldon, Essex
Proposal	Redevelopment to provide 33 residential units (Class C3) together with associated infrastructure
Applicant	Taylor Wimpey (East London)
Agent	Ms Catherine Williams – Savills
Target Decision Date	12.03.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

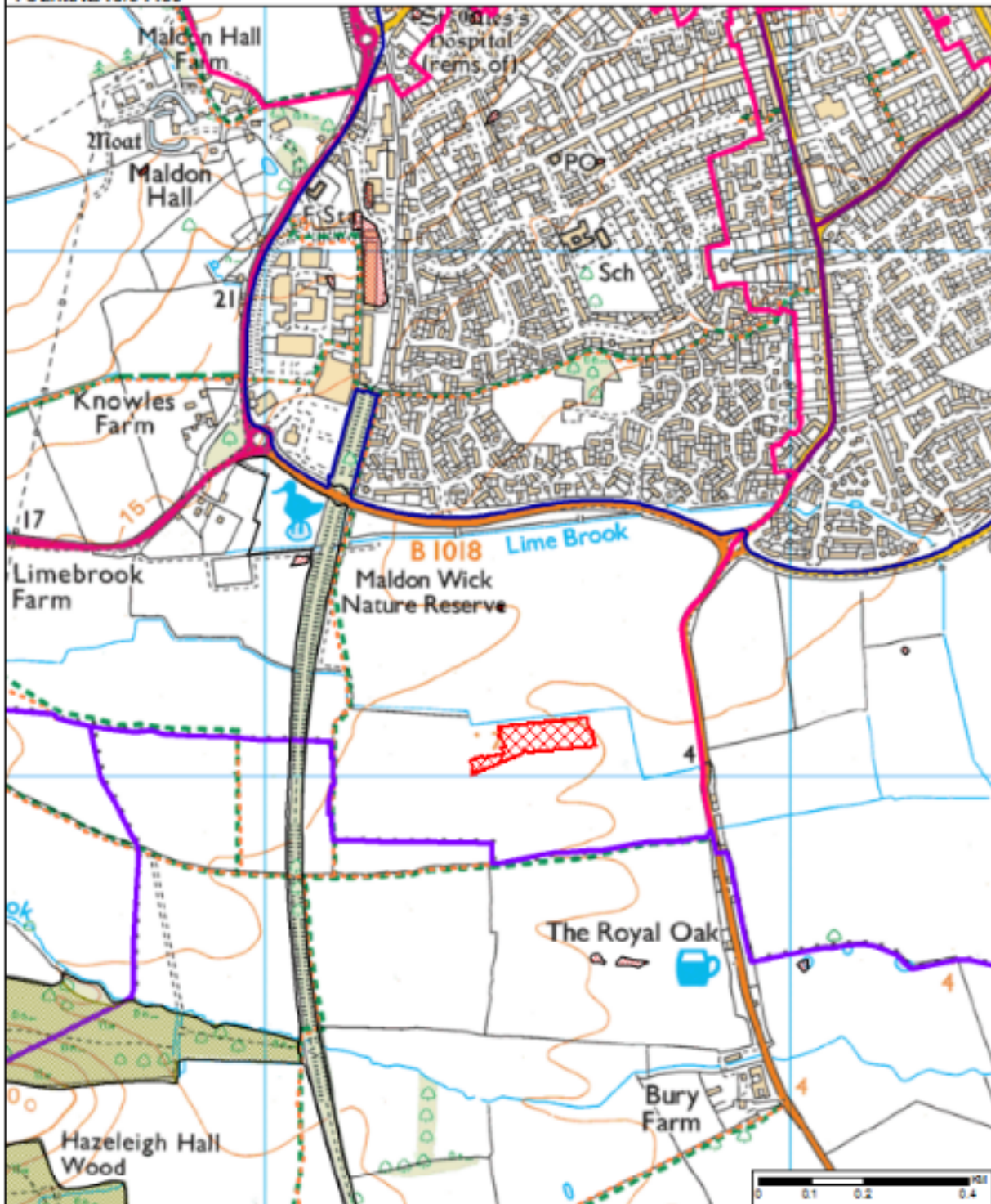
1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 16 of report.

2. SITE MAP

Please see overleaf.

Land South of Wycke Hill and Limebrook Way
FUL/MAL/18/01439



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Council (Extraordinary)
	Date:	08/02/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The current application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference OUT/MAL/14/01103) in December 2016, following the completion of a Section 106 Agreement, for ‘development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Urban Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure’. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the site consists of two vehicular accesses off Spital Road / A414 on the western side, an access (roundabout) off Limebrook Way / A414 and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission.
- 3.1.2 The site the subject of the abovementioned outline planning permission was subsequently separated into Eastern and Western Parcels. An application for approval of reserved matters of Phase 1 of the eastern parcel (for 200 dwellings) was granted in 2018 (reference RES/MAL/18/00531); that development is underway. An application for approval of reserved matter of Phase 2 of the eastern parcel is currently under consideration (reference RES/MAL/18/01440). Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Eastern Parcel have also already been approved (reference FUL/MAL/18/00494).
- 3.1.3 The current application site is enclosed by the development the subject of Phases 1 and 2 on all sides – to the east would be an attenuation basin, to the west, south and north would be residential properties forming part of Phase 2. Part of the southern boundary would be opposite the public open space proposed within the south-eastern corner of Phase 2. The northern boundary abuts the Lime Brook South Arm main river.
- 3.1.4 The Eastern and Western Parcels are separated by a disused railway known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction. A Public Right Of Way (PROW) follows the western boundary of Phase 2 (part of which is subject to an application for diversion, reference PROW/MAL/18/00831). A watercourse, known as the Lime Brook, runs east-west within the northern part of Phase 2. A high voltage overhead line crosses the western part of Phase 2. The site is generally flat, rising gently to the north towards the A414.
- 3.1.5 The current application seeks planning permission for 33 dwellings which would be in addition to the 1,000 dwellings granted planning permission within the Western and Eastern Parcels. The applicant, having developed a detailed scheme for Phase 2 of the Eastern Parcel, has identified a land parcel (1.4ha) within the residential area identified in the Land Use Parameter Plan for residential development in addition to

the number of dwellings approved as part of the outline planning permission. This piece of land is the current application site and is positioned south of the Limebrook Corridor and north of the Primary Street that is accessed via the southern-most Fambridge Road entrance.

- 3.1.6 The dwellings the subject of this application would consist of a mix of semi-detached and detached dwellings mainly fronting private drives. A total of 74 car parking spaces are proposed (70 allocated spaces, no unallocated spaces and four visitor spaces (plus five spaces in Phase 2); cycle storage would be a rate of one per dwelling. Vehicular access to the proposed dwellings would be via roadways proposed as part of Phase 2 which would provide access to Fambridge Road through Phase 1 and access to Limebrook Way via a new roundabout to be constructed along Limebrook Way towards the north-western corner of Phase 2, details of which have already been approved (reference FUL/MAL/18/00494).
- 3.1.7 All of the dwellings would be two storey in height. External materials would consist of a mixture of red / red multi bricks, buff bricks, white / black boarding, ivory / off-white render, red or brown pan or plain tiles, or reconstituted slate tiles. Primary streets would have a uniform approach to street appearance and be provided predominantly red tones and a variety of roof materials with key buildings provided with the contrasting materials.
- 3.1.8 Rear gardens are enclosed by 1.8m high close-boarded fencing or, in public positions, brick walls.
- 3.1.9 The proposed market residential mix is as follows:

Dwelling Size	Number and Percentage
2 bed house	4 (17.4%)
3 bed house	5 (21.7%)
4 bed house	12 (52.2%)
5 bed house	2 (8.7%)
Total	23

- 3.1.10 10 (30%) of the proposed dwellings would be affordable housing:

Dwelling size	Number
2 bed house	4
3 bed house	5
4 bed house	1
Total	10

3.1.11 The application is accompanied by supporting documents as follows:

- Design and Access Statement, prepared by FINC Architects;
- Flood Risk Assessment (FRA), prepared by Ardent Consulting Engineers;
- Drainage Strategy, prepared by Ardent Consulting Engineers;
- Planning Statement;
- Transport Statement, prepared by Ardent Consulting Engineers;
- Ecological Assessment and Management Plan, prepared by SES;
- Arboricultural Method Statement, prepared by SES;
- Air Quality Assessment, prepared by Brookbanks Consulting;
- Noise Assessment, prepared by Brookbanks Consulting;
- Ground Investigation Report, prepared by RSK;
- Energy Statement, prepared by Energist;
- Phase 2 Ecological Surveys and Assessment, prepared by SES;
- Construction Environmental Management Plan, prepared by Taylor Wimpey.

The Energy Statement predicts that there would be an overall reduction of carbon by 2.51% across the site compared to compliance with Building Regulations through a demand reduction approach without the need for renewable energy technologies. Electric charging points will be an option for house purchasers.

3.2 Conclusion

3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which is allocated for residential purposes in the LDP. Whilst the proposal is for dwellings in addition to the 1,000 dwellings which benefit from outline planning permission (most recently granted under reference FUL/MAL/18/00071), given the residential allocation, no objection is raised to the principle of these additional dwellings, particularly as the density of development on the rest of the Eastern Parcels would still be within previously approved ranges.

3.2.2 Having assessed the details submitted in relation to the access, layout, scale, appearance and landscaping, in the context of the Strategic Masterplan Framework and the Design Codes which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of parking provision, flood risk and nature conservation. If planning permission were granted, conditions would need to be imposed to ensure that the relevant infrastructure within the wider Eastern Parcel (general amenity areas and formal open space, drainage etc.) was linked to the development of the additional dwellings proposed and provided within an appropriate time scale.

3.2.3 However, whilst the affordable housing mix would be acceptable, the market housing mix, with 83% of the dwellings being larger (3+ bedroom) dwellings, would not be in

accordance with the Council's adopted Policy and would, therefore, not make a positive contribution to meeting the housing needs of the District. The application is recommended for refusal on this basis below.

- 3.2.4 In light of this recommendation of refusal, whilst the applicant has agreed to make the necessary financial contributions towards medical services, education and Recreational Avoidance Disturbance Mitigation Strategy (RAMS), and to provide an adequate level of affordable housing, a Section 106 Agreement has not been signed. Therefore, to protect the local planning authority's position should the application go to appeal, it is also recommended that planning permission is refused on the basis that these financial contributions have not been secured.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-79 Delivering a sufficient supply of homes
- 91- 101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

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

- Policy N1 -Green Infrastructure Network
- Policy N2 -Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 - Accessibility
- Policy I1 – Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide (December 2017)
- South Maldon Garden Suburb Strategic Masterplan Framework SPD (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

4.4 Necessary Planning Obligations

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

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

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

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

- Affordable housing (30%);
- A financial contribution towards RAMS at a rate of £119.06 per dwelling;

- A financial contribution towards Early Years & Childcare (£55,906), Primary Education (£151,739.08) and Secondary Education (£40,000);
- A financial contribution towards the provision of medical services of £12,459 (Longfield Medical Centre).

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

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

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

5. MAIN CONSIDERATIONS

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

6. PRINCIPLE OF DEVELOPMENT AND HOUSING MIX

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

6.2 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference FUL/MAL/18/00071). The site allocations within the LDP are for minimum housing numbers. The affordable housing proposed would make a positive contribution to meeting the housing needs of the District. The proposal would accord with the NPPF, paragraph 59, which refers to the Government's objective of 'significantly boosting the supply of homes'.

6.3 In terms of the housing mix proposed, the market housing mix is as follows:

Dwelling Size	Number and percentage
2 bed house	4 (17.4%)
3 bed house	5 (21.7%)

Dwelling Size	Number and percentage
4 bed house	12 (52.2%)
5 bed house	2 (8.7%)
Total	23

- 6.4 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three bedroom plus units.
- 6.5 The proposed market housing mix would not meet local housing need as the proportion of smaller units (only 17.4%) would be significantly less than the 60% required for the proposal to comply with the SHMA. This is in clear conflict with the Council's adopted policy. The percentage of smaller units (29.4%) proposed within the adjacent Phases 1 and 2 of the Eastern Parcel is also larger than proposed as part of this application. Whilst the deficit would only equate to 10 smaller units, this matter would weigh against granting planning permission for the development proposed. There is no apparent reason why a scheme with more 2-bed dwellings could not work equally as well taking into account the Garden Suburb Strategic Masterplan Framework and the Design Codes. Therefore, it is recommended that planning permission is refused on the basis of the market housing mix proposed.
- 6.6 The percentage of smaller units provided in Phase 1 and Phase 2 does not meet the Council's current requirement for 60% of smaller units. However, the original outline planning permission was granted when the Council was unable to demonstrate a five year housing land supply and before the adoption of the LDP. Whilst the low level of smaller dwellings already accepted on the wider site is a material consideration, the timing of the original granting of outline permission and the subsequent change in the planning landscape has significantly limited the weight that can be attributed to this material consideration. Therefore, it is not considered that this material consideration outweighs either the conflict with the LDP or the harm highlighted above.
- 6.7 10 (30%) of the proposed dwellings would be affordable housing with the following mix:

Dwelling size	Number
2 bed house	4
3 bed house	5
4 bed house	1
Total	10

- 6.7.1 The tenure split proposed is seven affordable rented units (70%) and three shared ownership units (30%). The Housing Officer has advised that the affordable housing proposed would be satisfactory.
- 6.8 Whilst no objection is raised to the principle of the development or the affordable housing mix proposed, it is recommended that planning permission is refused on the basis of the market housing mix proposed.

7. DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

- 7.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 7.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 7.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - Height, size, scale, form, massing and proportion;
 - Landscape setting, townscape setting and skylines;
 - Layout, orientation, and density;
 - Historic environment particularly in relation to designated and non-designated heritage assets;
 - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - Energy and resource efficiency.
- 7.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 7.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 7.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport

and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.

- 7.7 The development is subject to a Strategic Masterplan Framework and a Design Code. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance (SPG). There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were approved as part of the outline planning permission (reference OUT/MAL/14/01103) referred to above: 'Design Parameter Plan – Land Use', '- Building Height', '-Residential Density', '-Green Infrastructure' and '-Movement and Access'.
- 7.8 There are four broad concept areas defined in the site wide Design Code, three of which are included within the Phase 2 area (Garden Suburb East, Garden Suburb North and Green Cushion). The three individual character areas established in Phase 2 are Primary Streets (tree-lined avenues with a formal arrangement and appearance), Shared Surface Streets (blocked paved with no footpaths, with a verdant setting for the houses) and Private Drives (more informal). The proposed development continues with these character areas. The part of the site in question straddles and provides a transition between two character styles, Garden Suburb East and Green Cushion. The southern boundary of the site faces onto the proposed green cushion with an appropriate reduction in density to achieve a transition between character areas.
- 7.9 In terms of density, the 'Residential Density Parameter Plan' included an area of high density in the north of the Phase 2 area (35-40dph), an area of medium density in the centre (30-35dph) and an area of low density in the south (20-30dph). The current proposal is located within a 'medium density' area. A density of 20dph is proposed (excluding the area of public open space) which is considered to be an appropriate density for the site.
- 7.10 The details of the application have been developed as part of a pre-application process.
- 7.11 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. There would be a mix of housetypes and an appropriate palette of materials.
- 7.12 An Arboricultural Method Statement has been submitted which covers the whole of the Eastern Parcel. As part of this Statement one existing tree within the application site has been identified and which would be retained as part of the proposal. The report concludes that the proposed development will be acceptable in arboricultural terms. The Tree Officer has raised no objections to the proposal.
- 7.13 The dwellings would consist of a mixture of 12 house types but all two storeys in height with pitched roofs and using traditional external materials. Whilst 12 different dwelling types for a development of this size is considered to be high, the designs contain a similar architectural style and mix of architectural features. This is also consistent with the other phases within the wider site. It is considered that the

character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site.

- 7.14 The land parcel is quite narrow but the layout has followed the approved Phase 1 and proposed Phase 2 layouts for back to back garden layout with the principle elevations facing the Primary Street, Limebrook Corridor and internal streets. Whilst no objection is raised to the external materials proposed, it would be necessary to require submission of a sample of the materials for approval by condition. The Urban Design Officer has raised no objections to the proposal and advises that the 10 affordable units are integrated into the site area and are indistinguishable from the 23 market houses. She also advises that the proposal has paid regard to the Design Parameter Plans, the Strategic Design Codes and the design guidance with regard to Density, Building Heights and Character Areas (Garden Suburb East and Green Cusion) to deliver design quality and achieve a balanced community. She considers that the proposal will integrate with the Phase 2 proposal and Phase 1 approval and with the site wide engineering approval.
- 7.15 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping, in the context of the Strategic Masterplan Framework and the Design Codes which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, could be secured by condition.

8. IMPACT ON RESIDENTIAL AMENITY

- 8.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 8.2 The development proposed would be located at a sufficient distance away from existing residential properties to avoid any adverse impact with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. A Construction Management Plan has been submitted which includes measures to minimize disruption during construction.

9. ACCESS, PARKING AND HIGHWAY SAFETY

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

- 9.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 9.3 Means of access to the site was approved as part of the existing outline planning permission (reference FUL/MAL/18/00071). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission.
- 9.4 The Transport Statement submitted predicts that the proposal would result in an increase of 20 and 21 two-way trips on weekdays during the am and pm peak hours, respectively. Guidance published by the Departments for Transport (DfT) and Communities and Department for Communities and Local Government (DCLG) does not set out any firm threshold at which the impact of development traffic should be assessed but suggests a figure of 30 movements during peak hours as "a starting point for discussions". Although this guidance has been withdrawn, it is understood that, Essex County Council (ECC) has advised that it should still be used until it has developed its own replacement guidance. The predicted increase in traffic resultant from the proposed increase in units, at 20 two-way movements during peak hours, is below the 30 movements threshold, and therefore the Statement concludes that the traffic impact of the additional dwellings is minimal.
- 9.5 Parking provision would consist of a total of 70 parking spaces (at least two per dwelling) and nine visitor parking spaces which complies with the adopted parking standards. Cycle storage for those dwellings without a garage could be required by condition.
- 9.6 The Highways Officer has raised no objections to the proposal, subject to conditions. Based on the above, it is considered that there is no reason to conclude that the development would not be acceptable with respect to access, parking and highway safety, subject to the imposition of conditions including a condition to ensure the highways infrastructure required to access the development (which would be located within the wider Eastern Parcel) is provided.

10. QUALITY OF LIFE FOR THE OCCUPIERS OF THE PROPOSED DWELLINGS

- 10.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 10.2 The dwellings proposed would generally be provided with private amenity space which would comply with the recommended minimums. Where the recommended minimums are not reached, the deficit would be small (less than 5sq.m.) in most cases. Two of the three bedroom properties would be provided with 56 - 57sq.m. of private amenity space but, given the proximity of these dwellings to the public open space to be provided, it is not considered that this would result in an unacceptable quality of life for the occupiers of these dwellings. Whilst no children's play space is

provided within the application site, the wider development on the eastern parcel includes a Neighbourhood Equipped Area for Play (NEAP), Local Equipped Area for Play (LEAP), formal sports pitches and informal areas of play which would be sufficient to meet the needs of the occupiers of the additional dwellings proposed. The 'back-to-back' distances would comply with the minimum recommended in the Essex Design Guide.

- 10.3 The Noise Assessment submitted advises that, as the additional 33 houses are located in the centre of the development and will be shielded from Limebrook Way and Fambridge Road, noise from internal traffic will be the overriding consideration. The Assessment concludes that, with either open or closed windows, the BS8233 internal noise levels will be met in all properties as long as standard double glazing is provided.
- 10.4 Based on the above, it is considered that the future occupiers of the proposed development would be provided with an adequate quality of life, subject to the imposition of a condition to ensure that the public open space which would be located within the wider Eastern Parcel, is provided.

11. FLOOD RISK AND DRAINAGE

- 11.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 11.2 A Flood Risk Assessment has been submitted with the application for the additional units proposed which states that, whilst the proposal is a standalone application, the proposals have been designed in the context of the outline planning permission covering the wider, Eastern Parcel, site.
- 11.3 The FRA advises that the majority of the site is within Flood Zone 1 but that a south-eastern portion is within flood zone 3 as a result of a fluvial flood outline from Woodham Mortimer Brook but that a hydraulic modelling exercise has demonstrated that the development would not be at risk of fluvial flooding up to the 1 in 100 year event plus 35% climate change scenario and up to the 1 in 1,000 year event. The risk of ground water flooding and reservoirs and sewers, would be low. The risk of surface water flooding would also be low with appropriate management. Safe access would be available in the event of a flood. The report states that the strategic foul and surface water networks can adequately accommodate the additional development flows.
- 11.4 The mitigation recommended is as follows:
- All Finished Floor Levels (FFL) throughout the Site should be set 150 mm above adjacent ground levels.
 - In areas adjacent to the fluvial flood risk, FFL should be set as a minimum 300 mm above the 1 in 100 year plus 35% climate change flood level.
 - In areas adjacent to surface water flood risk FFL should be set 300 mm above adjacent ground levels.

11.5 The Environment Agency has advised that their maps show the site lies within fluvial Flood Zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is for a redevelopment to provide 33 residential units (class c3) together with associated infrastructure, which is classified as a 'more vulnerable' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). The fluvial flood modelling has previously been reviewed and accepted under planning application reference RES/MAL/18/00531. The flood modelling showed that the development would not be affected by fluvial flooding for the events modelled.

11.6 The Agency advises that the key points to note from the submitted FRA, prepared by Ardent Consulting Engineers, referenced Z517-04 and dated November 2018, are:

Actual Risk

- The site lies outside the flood extent for a 1% (1 in 100) annual probability event, including a 35% allowance for climate change.
- Finished ground floor levels have been proposed at 300mm above the 1% (1 in 100) annual probability events, including an allowance for climate change.

Residual Risk

- There are tidal flood defences along the Estuary. Based upon current tide levels and ground levels, tidal flood waters would not be expected to reach the site.

11.7 The application site forms part of a wider site allocated for residential purposes within the LDP and outline planning permission for residential development has already been granted (most recently under reference FUL/MAL/18/00071). Therefore, it is not necessary for the development to pass either the Sequential Test or the Exceptions Test.

11.8 Based on the contents of the FRA submitted and the advice of the Environment Agency, it is considered that the development would be safe for its lifetime, subject to the mitigation recommended.

11.9 Details of foul and surface water drainage were approved as part of planning permission reference FUL/MAL/18/00494 which covers the whole of the Eastern Parcel. The Proposed Drainage Strategy submitted with the current application concludes that the approved swales and basins can accommodate the development proposed in addition to the development the subject of Phase 2 and that Anglian Water confirmed that an uplift of 33 units will not require any further assessment or update to the design of the pumping station and associated storage. The Essex County Council SuDS Team raise no objection subject to the imposition of conditions.

11.10 Based on the above, the development would, therefore, be acceptable from a flood risk and drainage perspective, subject to the imposition of conditions, including one to ensure that the drainage infrastructure to be provided within the wider Eastern Parcel, is provided.

12. NATURE CONSERVATION

- 12.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 12.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 12.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 12.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 12.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 12.6 The Phase 2 Ecological Surveys and Assessment submitted concludes that, overall, the development would have either a neutral or minor positive impact on nature conservation having assessed impacts on the following receptors: Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar Site, National Nature Reserve (NNR), Sites of Special Scientific Interest (SSSI), Local Wildlife Sites (LWS), Priority Habitats, badgers, bats, birds, reptiles, mammals and water voles.
- 12.7 The Ecological Assessment and Management Plan submitted with the application concludes that there would be overall net gains for biodiversity with the provision of green open space proposed within the wider Eastern Parcel (SSSI, LWS, SAC, SPA, NNR, Ramsar Site), beneficial planting (badgers, LWS, bats, birds), precautionary construction techniques (badgers, water voles), sensitive lighting (bats), installation of bat and bird boxes, creating hedgehog highways through connecting gardens, retention and enhancement of the brook at the boundary of the site (water voles) and removal of vegetation outside of the nesting bird season.
- 12.8 A consultation response from the Countryside and Coast Manager is awaited but, based on the above, there is currently no reason to conclude that the development would have an adverse impact on the ecology of the site.
- 12.9 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant

effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that Maldon District Council must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 12.10 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 12.11 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 12.12 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 12.13 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £119.06 per dwelling.
- 12.14 To accord with Natural England’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows (overleaf):

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

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

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

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

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

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

- 12.15 Summary of Appropriate Assessment - as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account Natural England's advice, it is considered that mitigation, in the form of a financial contribution of £3,928.98 is necessary, in this case, which the applicant has agreed to.
- 12.16 Based on the above, it is considered that the development proposed would not cause harm to nature conservation.

13. OTHER MATERIAL CONSIDERATIONS

- 13.1 The Air Quality Assessment submitted concludes that the air quality within the site will be acceptable for future residents without the need for mitigation:
- Concentrations of Nitrogen Dioxide (NO₂), Particulate Matter (PM)₁₀ and PM_{2.5} have been predicted at sensitive human health and compared with the relevant air quality standards. The results of the assessment indicate that traffic associated with the development is unlikely to result in an exceedance of the air quality objectives at either existing or proposed receptor locations.
 - The predicted annual mean NO₂ concentrations are >75% of the air quality objective at several locations. The significance of the impact has been assessed as 'moderate adverse' at one receptor in Woodham Mortimer and 'minor adverse' at a number of receptors in Maldon and Danbury.
 - The significance of the impact on PM₁₀ and PM_{2.5} concentrations at receptor locations has been assessed as negligible at all existing receptor locations.
 - At the boundary of the proposed development, the predicted pollutant concentrations are well within (≤75%) the air quality objectives.
 - At the identified habitat sites, predicted airborne concentrations of Nitrogen Oxide (NO_x) exceed the air quality objectives, however there is no statutory requirement for compliance in urban areas. A minor adverse impact on nutrient nitrogen deposition rates at the River Chelmer Beeleigh to Fullbridge LWS and Maldon Wick and Maldon Wycke Meadow Local Nature Reserve (LNR) has been predicted.

- In order to minimise any potential operational impacts associated with the proposed development the Masterplan includes the provision of a continuous foot / cycle path between the site and Maldon town centre. In addition, two bus services will be re-routed to pass through the wider development. A Sunday shuttle-bus service has also been proposed.
- 13.2 The Environmental Health Officer considers that further mitigation should be included but has not indicated what further measures could be added. Officers do not raise objection to the current application on the basis of air quality and consider that the mitigation proposed would be sufficient.
- 13.3 The Ground Investigation Report submitted concludes that the site is suitable for the proposed residential use and no remedial measures are necessary.

14. **ANY RELEVANT SITE HISTORY**

- **SCR/MAL/13/01169**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
- **OUT/MAL/14/01103** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.
- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **NMA/MAL/17/00367** - Application for non-material amendment following grant of Planning Permission of OUT/MAL/14/0110 as amended by

permissions FUL/MAL/16/01454 & FUL/MAL/16/01458 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.

- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00071** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 17.08.2018
- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works. Approved 11.09.2018.
- **PROW/MAL/18/00831** - Diversion of a public footpath 8 PROW 253 Undetermined.

- **ADV/MAL/18/01066** -Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb. Approved 16.11.2018.
- **ADV/MAL/18/01176**– 10 sign panels measuring 3,050mm by 1,500mm and one sign panel measuring 57,339mm by 2,140mm. 9no. flags 1,000mm by 2,000mm attached atop 6,000mm poles. Approved 15.11.2018.
- **SCR/MAL/18/01396** - Request for Environmental Impact Assessment Screening Opinion for a proposed development of up to 40 additional residential units. Not required.
- **RES/MAL/18/01440** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 2 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated work. Undetermined.
- **DET/MAL/18/05066** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103) Condition 7 - Strategic phasing plan. Approved 08.06.2018.
- **DET/MAL/18/05078** - Compliance with conditions notification FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 45 - Trees & hedgerows. Condition 47 - Position & proposed depth of excavation trenches for all services. Condition 54 - Allotments plan. Condition 61 - Management & maintenance of all watercourses. Condition 64 - Foul water drainage. Condition 67 - Submission of archaeological assessment. Condition 68 - Secured implementation of archaeological assessment. Condition 74 - Contaminated land assessment. Condition 81 - Construction Environmental Management Plan (CEMP). Condition 84 - Superfast broadband. Approved 05.10.2018.
- **DET/MAL/18/05193** - Compliance of conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) Condition 7 - Strategic phasing plan. Approved 09.01.2019.

- **DET/MAL/19/05007** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)). Condition 56 – Materials (Phase 1) Undetermined.
- **DET/MAL/19/05020** - Compliance with conditions notification of approved application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Conditions 45 - Trees & Hedges. Condition 47 - Trenches. Condition 50 - Assessment of ground conditions. Condition 73 - Noise impact assessment. Condition 76 - Validation report. Condition 81 - Construction environmental management plan. Undetermined.
- **MLA/MAL/19/00101** - Application for a modification to Section 106 legal agreement executed under planning application FUL/MAL/16/01454 – Undetermined.

15. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

15.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval	Noted
Woodham Mortimer with Hazeleigh	The Council are already noticing a significant increase in traffic along the A414 through Woodham Mortimer and Fambridge Road though Hazeleigh and are receiving numerous complaints from parishioners in respect to the development's potential effect on current medical facilities, schools and highways. As per previous concerns raised, the Council believe that due consideration has not been given to appropriate infrastructure which is entirely inadequate.	Noted but the site forms part of a larger site allocated for residential development within the LDP and the applicant has agreed to make financial contributions towards medical services and education. No objection to the proposal from the Highways Officer has been raised.

15.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Archaeology	The archaeological fieldwork has been completed for this site. For these reasons no archaeological recommendations are being made with regard to this application.	Noted.
Anglian Water Services	No objection.	Noted.
Essex and Suffolk Water	No response received.	
ECC Education	No objection subject to a financial contribution towards Early Years and Childcare (£55,906), Primary Education (£151,739.08) and Secondary Education (£40,000).	Noted – the applicant has agreed to make the financial contributions requested.
Essex Bat Group	No response received.	
ECC SuDS team	No objection subject to conditions requiring details of final modelling and calculations for all areas of the drainage system to include pipe network calculations for the site and details of the parties who constitute the “Site Management Team”, how this team is managed and, if a management company is involved, details of how this would be funded and managed for the lifetime of the development	Noted – refer to section 11 of report
Essex County Fire and Rescue	Access for fire service purposes is satisfactory. Additional water supplies for fire fighting may be necessary – applicant should contact Water Technical Officer at Service Headquarter 01376 576344. Developer urged to consider installation of Automatic Water Suppression Systems	Noted – an informative to this effect could be attached to any planning permission granted.
Natural England	Advises that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. They advise that a Habitats Regulations Assessment (HRA) to secure any necessary mitigation must be undertaken	Noted – refer to section 12 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environment Agency	Advisory comments provided.	Noted -refer to section 11 of report.
Essex Police Designing Out Crime	No response received.	
Essex Wildlife Trust	No response received.	
Essex County Highways	No objection subject to the imposition of conditions (provision of vehicle parking and turning areas proposed and a Residential Travel Information Pack for each dwelling).	Noted – refer to Section 9 of report.
The Maldon Society	No response received.	
NHS Property Services	The development would have an impact on healthcare provision in the area and its implications, if unmitigated, would be unsustainable. A financial contribution of £12,459 before development commences towards the Longfield Medical Practice is required.	Noted – the applicant has agreed to make this financial contribution.
North East Essex Badger Protection Group	No response received.	

15.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Design	No objection.	Noted – refer to section 7 of report
Housing Officer	Agree to the following proposed mix:- <ul style="list-style-type: none"> • 4 x 2 bed 4 person houses • 5 x 3 bed 5 person houses • 1 x 4 bed 7 person house 	Noted – refer to section 6 of report.
Emergency Planner	As this development does not lie within a flood zone, no comment to make	Noted – but refer to section 11 of report.
Environmental Health	Noise Assessment report suggests that satisfactory internal noise levels can only be achieved with windows closed. This is at variance with our additional guidance in which the stated aim is to achieve suitable levels with windows open. The applicant has not produced any clear evidence that the external noise levels in gardens etc. will comply with	The noise assessment submitted advises that internal noise levels would be acceptable even with windows open. Further information in relation to noise levels in external areas has since been provided which indicates that noise

Name of Internal Consultee	Comment	Officer Response
	<p>the desired levels. A noise contour map of the site would help identify the noise levels in the external areas.</p> <p>Air Quality assessment suggests that the development will not adversely affect the air quality. However as is shown by the soon to be declared air quality management area in Maldon, there is a deterioration of air quality, so it is suggested that the applicant offers some mitigation measures as part of their proposals.</p>	<p>levels in rear gardens would not exceed the recommended maximum. The site is not within an air quality management area and, therefore, it is considered that objection to the limited mitigation measures could be justified, in this case.</p>
Planning Policy	No response received.	
Tree Consultant	No objection.	Noted – refer to section 7 of report
Waste Management Officer	No response received.	
Economic Development	No objections as a third of these properties would be affordable in a range of bedroom sizes and the site will still remain under the maximum density capacity allocation allowed within the originally approved planning permission. Will contribute further economically to the Maldon District in terms of local retail and service centres, as well as employment opportunities, both during the build and in the future.	Noted.
Countryside and Coast Officer	Response awaited.	Will be included as part of Member's Update

15.4 Representations received from Interested Parties (*summarised*)

15.4.1 **Two** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Little employment in Maldon and insufficient transport infrastructure for occupants to commute to larger towns and cities – should be no more housing without trainline to Chelmsford.	The existing and proposed transport infrastructure is considered to be sufficient to accommodate the additional development proposed.
Insufficient medical services, bus services, allotments, lack of retail diversity, roads crumbling and cannot sustain current traffic.	A financial contribution towards the Longfield Medical Centre would be made, there would be a bus service and allotments provided as part of the Eastern Parcel, no objection is raised from a transport perspective, and

Objection Comment	Officer Response
	additional residents would be likely to provide extra custom for existing retailers in Maldon.
Affordable housing on recent development at Limebrook marketed at prices above the general prices of the area.	The details of the affordable housing would be secured through a section 106 agreement.
Green belt should be developed after brownfield sites developed.	The site is not within the Green Belt and the principle of residential development has already been accepted as the site forms part of a site allocated for residential purposes in the LDP.

16. PROPOSED REASONS FOR REFUSAL

1. The proportion of smaller residential units within the open market housing mix proposed is not consistent with the Council's Strategic Housing Market Assessment and inadequate justification for such variation has been provided. The proposal therefore fails to deliver the housing required to serve the Maldon District and fails to accord with policy H2 of the Maldon District Approved Local Development Plan and the National Planning Policy Framework.
2. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary affordable housing and financial contributions towards medical services, education and RAMS have not been secured. As a result, the development would not meet the identified need in the locality to address the Council's strategic objectives on affordable housing and supporting a mixed and balanced community, would have an adverse impact on the European designated nature conservation sites and would not make adequate provision for medical services and education for the future occupiers of the site, contrary to Policies S1, S2, S3, S4, H1, D1, D2, N1, N2 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.