



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
14 JULY 2021**

Application Number	21/00104/FULM
Location	Land West of Fambridge Road, North Fambridge
Proposal	12No. dwellings with associated details for access, appearance, landscaping, layout and scale.
Applicant	BDW Eastern Counties - BDW Eastern Counties
Agent	N/A
Target Decision Date	05.05.2021 – EOT until 19.07.2021
Case Officer	Julia Sargeant
Parish	NORTH FAMBRIDGE
Reason for Referral to the Committee / Council	Major Application

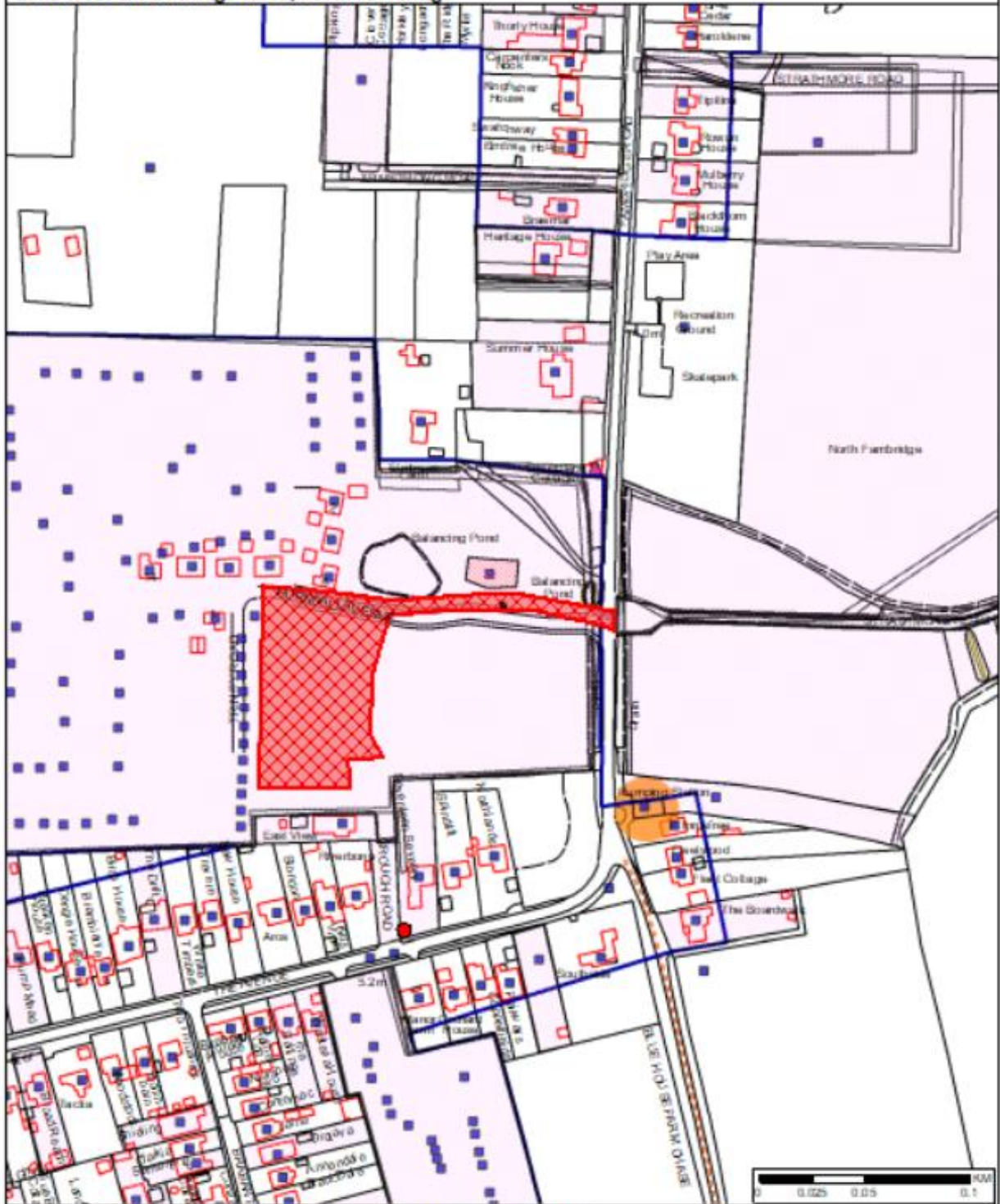
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

21/00104/FULM
Land West of Farnbridge Road, North Farnbridge



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	Organisation: Maldon District Council
	Department: Department
	Comments: Not Set
	Date: 13/06/2021
MSA Number: 100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located to the east of Fambridge Road and within the settlement boundary of North Fambridge. The site itself forms part of a larger development site which had outline consent granted under reference 14/01016/OUT for up to 75 dwellings and up to 1,000 sq m of flexible commercial and community space. Reserved matters consent was granted under 19/00252/RES for the 75 dwellings and the development is currently under construction. This application site relates to the parcel of the larger site where the 1,000 sq m of flexible commercial and community space was granted consent.
- 3.1.2 The site itself is approximately 0.54 hectares in size and roughly rectangular in shape. The application site sits approximately 110 metres back from Fambridge Road to the west of an area of public open space provided as part of the larger development and to the east of residential dwellings under construction. It is currently being used as the construction compound for the larger element of the site.

Relevant Background

- 3.1.3 This application follows the withdrawal of a previous planning application on the site (20/00787/FUL) which was for 10 dwellings. A number of concerns were raised in relation to the scheme with the applicant which primarily related to:
- Lack of affordable housing provision;
 - Density of the development and making the most effective use of the land;
 - Appearance and design of some plots, and
 - Details of marketing undertaken.
- 3.1.4 This application follows the previously withdrawn application and seeks to address the previous concerns raised with the scheme in the following ways:
- Provision of 42% affordable housing;
 - Increased density of development from 22.9dph to 27.9dph;
 - Amendment to the design of dwellings and most notably the corner plots facing east across the public open space towards Fambridge Road.
 - Additional clarification on elements of the marketing undertaken.

Proposal

- 3.1.5 Planning permission is sought for the erection of 12 dwellings with associated access, appearance, landscaping, layout and scale. This is a Full application with all details submitted. The development proposes 5 units of affordable housing (41%) and 7 units of market housing. The dwellings proposed would all be positioned centrally within the plot with access taken for those facing south and west from the already approved access road and access for those facing east from a new private drive. One plot (plot 107) would take access directly from the already approved main spine road into the development.

3.1.6 The following house types are proposed:

3.1.7 Plots 106, 111 and 112 (market housing)

(please note plot numbers for this application start at 106 as the applicant is currently constructing 75 dwellings on this wider site and 30 dwellings on a neighbouring site known as Manor Farm, The Avenue granted consent under 14/01018/OUT and 18/00558/RES).

Plots 106, 111 and 112 are semi detached dwellings of a traditional form and appearance plots 111 and 112 would be finished in render with brick plinths and detailing, whilst plot 106 would be finished in buff/yellow brick. They form corner plots within the site and feature ground floor bay windows to the flank elevation to ensure an appropriate level of detailing to both the front elevation and side elevation. Plot 106 is located in the north western corner of the site and would front onto the access road to the west with the bay window detailed flank elevation facing the main spine road through the site. It would adjoin a different house type (plot 107 detailed later) and would be set back from the main spine road with an area of landscaping and pedestrian footway to the front of this elevation. Plots 111 and 112 are located in the south eastern corner of the site and adjoin each other forming one end of the main street scene facing out towards Fambridge Road across the public open space. Whilst the main front elevations would face north and south across the access roads the secondary frontages with bay window detailing would face out across the public open space towards Fambridge Road.

Each dwelling would measure 9.1 metres wide by 6 metres deep with an eaves height of 4.8 metres and a ridge height of 8.2 metres. Internally the dwellings would contain a lounge, open plan kitchen/diner and utility at ground floor level with two bedrooms, one with en-suite, family bathroom and study at first floor level.

Each dwelling would have the following size private amenity space and parking provision:-

Plot No.	Private Amenity Space	Parking Spaces
Plot 106	83 metres squared	2 spaces
Plot 111	80 metres squared	2 spaces
Plot 112	55 metres squared	2 spaces

3.1.8 Plot 107 (market housing)

Plot 107 is a semi-detached buff/yellow brick dwelling which would be attached to plot 106 along its western flank boundary. The dwelling is of a traditional design and would measure 4.5 metres wide by 7.9 metres deep with an eaves height of 4.7 metres and a ridge height of 7.4 metres. Internally the dwelling would contain a kitchen, w.c. and open plan lounge/diner at ground floor level and two bedrooms and a bathroom at first floor level.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 107	64 metres squared	2 spaces

3.1.9 Plot 108 (market housing)

Plot 108 is a detached two storey double fronted rendered dwelling with brick detailing. It has a traditional appearance with a bay window to the front elevation and a two storey gable projection to the rear. The dwelling would measure a maximum of 10.5 metres wide by 6.8 metres deep for the main section with the rear projection measuring a further 3.6 metres in depth. The eaves height of the property would be 5.1 metres with a maximum ridge height of 8.7 metres. Internally the dwelling would accommodate a lounge, breakfast/kitchen room, utility, dining room, study and w.c. at ground floor level and four bedrooms, one with en-suite along with a family bathroom at first floor level.

Plot 108 is a corner plot located into the north eastern section of the site fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 108	120 metres squared	3 spaces

3.1.10 Plot 109 (market housing)

Plot 109 is a detached two storey red brick built dwelling which would feature a front two storey gable projection as well as a bay window and a small single storey glazed rear projection. The dwelling would measure a maximum of 8.7 metres wide by 10 metres deep with an eaves height of 4.9 metres and a maximum ridge height of 8.6 metres. Internally the dwelling would accommodate a lounge, kitchen/diner, utility room, study and w.c. at ground floor level and four bedrooms, one with en-suite along with a family bathroom at first floor level.

Plot 109 is located along the eastern boundary of the plot fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 109	100 metres squared	3 spaces

3.1.11 Plot 110 (market housing)

Plot 110 is a detached two storey buff/yellow brick built dwelling with a first front gable feature central to the property creating a semi-enclosed porch area. The property would also feature a small single storey glazed rear projection. The dwelling would measure 11.2 metres wide by a maximum of 10.1 metres deep with an eaves height of 5 metres and a ridge height of 8.3 metres. Internally the dwelling would accommodate a lounge, kitchen/breakfast room, utility, dining room, study and w.c. at ground floor level and four bedrooms, two with en-suites as well as a family bathroom at first floor level.

Plot 110 is located along the eastern boundary of the plot fronting onto the public open space to the east and across to Fambridge Road.

This dwelling would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 110	230 metres squared	4 spaces

3.1.12 Plots 113 and 114 (affordable housing)

Plots 113 and 114 comprise of a pair of handed semi-detached dwellings finished in red brick with front canopy projections. Each dwelling would measure 4.8 metres wide by 8.8 metres deep with an eaves height of 4.8 metres and a ridge height of 8.2 metres. Internally each dwelling would contain an open plan kitchen/diner/lounge area as well as a w.c. at ground floor level with two bedrooms and a bathroom at first floor level.

Plots 113 and 114 are located along the southern boundary of the site with a small area of open space beyond the internal access road.

These dwellings would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 113	80 metres squared	2 spaces
Plot 114	60 metres squared	2 spaces

3.1.13 Plots 115 and 116 (affordable housing)

Plots 115 and 116 comprise of a pair of flats designed to look like a two storey dwelling. The building would be constructed out of red brick with a single storey projection to the south. The property would be located on the south western corner of the site and access to the ground floor flat would be taken from the west facing elevation which would appear as a double fronted traditional dwelling and access to the first floor flat would be taken from the south facing elevation which would appear as a two storey gable ended dwelling. The property would therefore serve as a dual frontage property within its corner position. The overall building would measure 8.8 metres wide (10 metres including the single storey projection) by 6.2 metres deep with an eaves height of 5.1 metres and ridge height of 8.6 metres. Each flat would contain an open plan kitchen/diner/living room, bathroom and bedroom.

The flats would have a shared amenity space of 105 metres squared with one parking space per unit.

3.1.14 Plot 117 (affordable housing)

Plot 117 is a flat over garage unit designed to appear as a cartlodge. It would be constructed out of red brick and would feature a drive through car port section to allow access to the car port area from the rear with dummy windows at ground floor level to the front. The drive through car port access would also be used by plot 106 to access their off road parking spaces. The residential accommodation would all be at first floor level with access taken from the front west facing elevation.

The building would measure a maximum of 11.4 metres wide by 6 metres deep with an eaves height of 4.8 metres and a ridge height of 7.2 metres. Internally the unit would provide a kitchen, lounge/diner, bathroom and two bedrooms.

This unit would have the following size private amenity space and parking provision:

Plot No.	Private Amenity Space	Parking Spaces
Plot 117	75 metres squared	2 spaces

3.1.15 External materials for the development have been provided which would be as follows:

- Brick - Red Multi – Ibstock Surrey Red
- Brick – Yellow- Forterra Village Harvest Multi
- Tile – Grey Plain Tile – Redland Richmond 10/Forticrete Mixed Russet
- Tile – Red Plain Tile – Forticrete Mixed Russet
- Render – Weber Monocuche Chalk
- Facia and Soffit – White uPVC
- Rainwater Goods – Black uPVC
- Front Doors – Black
- Garage Doors – Black
- Windows – White uPVC

3.2 Conclusion

3.2.1 This application relates to a parcel of land that is within a wider development site granted under 14/01016/OUT and is currently being built out pursuant to reserved matters approval 19/00252/RES. The application site itself has the principle of up to 1,000 sq m of commercial/community use approved under 14/01016/OUT. The applicants have marketed the site for the commercial/community use and the exercise and results have been captured in a Marketing Appraisal Report. The report concludes that over a three year period there was no viable or serious interest in the site, and that the size and nature of the area could not sustain viable options. This application would therefore result in the loss of the potential commercial/community use and the erection of 12 residential units, 5 of which would be affordable housing. The application site is considered to be within a reasonably sustainable location in terms of access to services and facilities due to the good rail connection at North Fambridge, and the development of the site for 12 residential units would assist in making up the deficit in the Five Year Housing Land Supply (5YHLS). Whilst it is acknowledged that reserved matters for the commercial/community use have not been granted, for the reasons explained below, it is considered, on balance, that there are no objections to the principle of the development.

3.2.2 The design approach taken is considered to be appropriate to the site and would result in a seamless addition to the wider development with additional soft landscaping proposed. The development provides adequate off road parking, meets amenity spaces standards and would not result in any materially harmful impacts to neighbouring residents amenity.

3.2.3 Overall it is considered that the benefits of the proposed development outweigh any harm and the proposal would represent sustainable development. Therefore, in accordance with the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) the application is recommended for approval subject to a S106 agreement to secure the affordable housing and Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) payment along with conditions as detailed in section 8 of this report.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Achieving sustainable development
- 8 Three objectives of sustainable development
- 10-12 The presumption in favour of sustainable development

- 38 Decision making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 59-66 Delivering a sufficient supply of homes
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-123 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
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Change
- E1 Employment
- E3 Community Services and Facilities
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Vehicle Parking Standards (VPS) SPD
- Maldon District Design Guide (MDDG) SPD
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

- Affordable Housing
- Financial Contribution towards RAMS

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS). At present the Council can currently identify a 3.26 years supply of housing land.
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

“(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

“(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YLHS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).
- 5.1.5 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. However, where the development plan is 'absent, silent or relevant policies are out of date', planning permission should be granted 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the

policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’.

- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.8 Paragraph 78 of the NPPF states that:
- ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.’*
- 5.1.9 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. The proposed development would be constructed on a site that currently has outline permission for 1,000sqm of commercial/community uses and is also located within the settlement boundary of North Fambridge. Whilst North Fambridge has very limited services and facilities within the settlement (village hall, playing fields and nursery) it does benefit from a train station which is situated approximately 350 metres to the north of the application site. This train station offers hourly services from approximately 6 am until 11pm towards London (and also links more locally to South Woodham Ferrers and other localities).
- 5.1.10 It is therefore, considered that the principle of residential accommodation on this site is acceptable subject to compliance with other appropriate policies as considered below. It should be noted that this approach is consistent with decisions and appeals that were determined within the settlement of North Fambridge last time the Council did not have a 5YHLS. Furthermore, there has been an appeal allowed for a new dwelling outside of the settlement boundary of North Fambridge in 2019 when the Council was able to demonstrate a 5YHLS (reference OUT/MAL/18/00428) and whilst there were application specific material considerations in relation to this decision the Inspector did make the following comments in relation to locational sustainability:

“Whilst in policy terms the appeal site falls outside of the defined limits of North Fambridge, visually it appears to sit comfortably within the built limits of the village. Its close proximity to local services and transport links also makes it a reasonably sustainable location, which is part of the reasoning behind Policies S1, S2 and S8.”

5.1.11 In light of the above assessment it is therefore considered that the principle of residential development on this site is acceptable subject to compliance with other appropriate policies as considered below.

5.2 Loss of Commercial/Community Use

5.2.1 The application site relates to land that already benefits from outline planning consent under reference 14/01016/OUT for up to 1,000 sq m of flexible commercial and community space. This proposal would replace the 1,000 sq m of flexible commercial and community space with 12 residential dwellings and therefore LDP policies E1 and E3 are directly relevant to the consideration of this application.

5.2.2 LDP Policy E1 seeks to encourage employment generating developments and protect existing employment uses unless certain criteria are met. The policy states: *“Proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:*

- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site’s existing and potential long-term market demand for an employment use.”*

5.2.3 LDP Policy E3 recognises that the District’s community services and facilities form an important component of urban and rural life in the District and that land and facilities providing community services are often under threat from proposals for alternative uses such as residential. The policy states:

“Where a proposal will result in the loss of community services or facilities an application will be required to demonstrate to the Council’s satisfaction that:

- 1) The existing business/service is not and cannot be made viable; and*
- 2) Effective marketing has been undertaken to demonstrate that there is no viable and appropriate alternative community service based use.”*

5.2.4 Whilst there is no physical existing employment or community use on the site this application would result in the erection of residential dwellings on land that had previously been granted consent for up to 1,000 sq m flexible commercial and community space as part of a larger development and it is therefore considered that policies E1 and E3 should be applied (in so far as they relate as there is no actual existing business or community use).

5.2.5 This current application has been supported by a marketing appraisal report dated 15 January 2021. This marketing report details the marketing campaign that has been undertaken in respect of the application site and the potential commercial/community uses consented under 14/01016/OUT. The report identifies the following:

- Marketing commenced in June 2017 and has continued in excess of 3 years.
- Adverts have appeared in Essex Chronicle and Maldon and Burnham Standards.
- Online marketing has taken place through a number of national commercial property websites (and site is still visibly marketed online at time of writing report).
- Sales particulars were sent out in specific mail shots.

- Interest was sought from convenience store operators such as COOP and Nisa however the location of the proposed scheme was rejected due to their own understandings that the immediate population was too small to support their demographics.
- Further expressions of interest received over the years however none have progressed beyond expressions of interest or been viable propositions.

5.2.6 The marketing report submitted considers that: *“there is no sufficient appetite from local businesses and the current level of commercial space availability within the locality clearly does not support the need for further stock to be built in this location.”* Concluding *“current Government imposed restrictions of use due to effects of the Covid-19 pandemic are still having a negative affect on non retail establishments and retail outlets alike which is having a greater negative impact on current and very likely future demand for such uses.”*

5.2.7 The Council does not have a specific policy that relates to applications such as this. Policy E1 relates to encouragement of employment generating development and looks to support the long term growth. However, the general thrust of Policy E1 and sound planning judgement can be used to assess the application.

The Applicant has provided marketing that has been undertaken; it is considered to be comprehensive and of a significant duration, which would allow for any short-term fluctuations. The details submitted show there has been no viable interest in the site. Marketing has been undertaken for both freehold and leasehold interests. Whilst no price was shown on the marketing this was because the price would be dependent upon what the interested party would need to have developed on the site (size and specification). There has not been any level of interest shown in the property which advanced to the specific stage of product. It is noted that it would have been preferable to see marketing having been undertaken with at least a baseline land value shown (taking development values of similar sites for comparison), however it is considered that given the length of marketing undertaken, and the fact that any viable interest could have been progressed that overall the marketing that has been undertaken is sufficient to comply with LDP Policy E1 criterion 3.

The marketing undertaken has been considered acceptable in this instance as the application site is not a formally allocated employment site and no evidence was submitted with the original outline submission detailing the demand for the community/commercial uses. Furthermore, given the small scale of North Fambridge and the lack of passing trade it is considered that the demand for such commercial or community units would be lower than in other settlements within the District.

5.2.8 Notwithstanding the above, it must be noted that Policy E1 did not direct any form of commercial development to North Fambridge or generally through windfall developments and therefore, there was no evidence at the time of granting planning permission that there was a need for the space. Whilst, it is noted that no reserved matters applications have been submitted with the flexible approach to the application it is considered that it would be difficult to look to achieve a flexible development that would then be fit for purpose with an unknown proposed use.

On the basis of the above assessment it is considered that the marketing that has been undertaken in respect of the consented up to 1,000 sq m of flexible commercial and community space has been sufficient. Furthermore, the development would result in 12 additional residential dwellings on a site within the North Fambridge settlement boundary, within a reasonably sustainable location, which may otherwise be left vacant. It is therefore considered that there is no objection to the loss of the commercial/community use to the site.

5.3 Affordable Housing

- 5.3.1 This application is proposing the provision of 12 dwellings which triggers the requirements for Affordable Housing under Policy H1 of the Maldon District Approved Local Development Plan (MDLDP) 2014 - 2029.
- 5.3.2 The proposal triggers the 40% affordable housing requirement under policy H1 of the LDP. The affordable housing requirement on 12 units at 40% is 4.8 units. The scheme proposes that 5 of the 12 dwellings would be affordable dwellings which is a provision of 42% affordable housing. The five units would comprise of the following:
- 2 x 1 bedroom 2 person flats
 - 2 x 2 bedroom 4 person houses
 - 1 x 2 3 person bedroom flat
 - 3 units for affordable rent (2 x 1 bedroom 2 person flats and 1 x 2 bedroom 4 person dwelling)
 - 2 units for shared ownership (1 x 2 bedroom 3 person flat and 1 x 2 bedroom 4 person dwelling)
- 5.3.3 Strategic Housing have been consulted on this application and have advised that they support the application as the proposal is meeting the required number of affordable properties on the site as per Policy H1. Strategic Housing have also confirmed that the overall floor area and size of the affordable housing units proposed are acceptable as they meet Housing Quality Indicators (HQI) Standards in relation to unit sizes. HQI standards relate to 10 indicators that measure the quality of an affordable housing scheme. In relation to this development strategic housing contacted the Registered Social Landlord for the wider site who have confirmed that the units proposed are acceptable and would meet their requirements. The affordable housing units will be secured through a Section 106 legal agreement which the agent has confirmed is acceptable.

5.4 Housing Mix

- 5.4.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 which states 'To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.'
- 5.4.2 LDP policy H2 on housing mix requires all development "*to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population*". The Strategic Housing Market Assessment (SHMA) provides the evidence base to the policy. Paragraph 61 of the NPPF states that '*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies...*'
- 5.4.3 The Council's updated SHMA, published in 2014, identifies that for all housing types one- and two-bedroom units are required to balance the District's housing stock, which currently provides an unbalanced number of large dwellings. The required ratio is for 60% of new housing to be for one or two-bedroom units and 40% for three bedrooms plus units.

5.4.4 The clarification to policy H2 details that ‘An appropriate mix of housing in new developments will help to enable a better flow of the existing housing stock. The Council will require new development to incorporate a range of different housing types which contribute towards meeting the identified housing needs for different demographic groups in the District. As recommended by the latest SHMA update, the Council will encourage a greater proportion of one- and two-bedroom properties to be developed to meet the demand for owner occupied and intermediate housing in the District.’

5.4.5 The applicant submits that the current application proposes the following overall housing mix:

- 3 x 4 bedroom units
- 7 x 2 bedroom units
- 2 x 1 bedroom units

5.4.6 The overall housing mix can be broken down as below in relation to market and affordable units:

	Market Housing	Affordable Housing	Total
1 bedroom unit		2	2
2 bedroom unit	4	3	7
4 bedroom unit	3		3
Total	7 units	5 units	12 units

5.4.7 The above mix would result in 60% of the units being smaller 1 and 2 bedroom properties and 40% larger 4 bedroom properties which is compliant with LDP Policy H2 and the SHMA. However, it should be noted that 3 of the 2 bedroom units (the market housing) contain a first floor study which would measure approximately 6 metres squared. This is below the standards set within the Technical housing standards – nationally described space standards to function as bedroom which is 7.5 metres squared for a single bedroom. It is acknowledged that the Council does not have a policy in relation to room sizes and has not adopted the Technical housing standards, however they are incorporated into a number of Supplementary Planning Documents (SPD’s) such as the Affordable Housing and Viability SPD as well as the MDDG and are therefore relevant to the consideration of this application.

5.4.8 The applicant has advised that “Due to changes in the way we all work largely as a result of the Covid pandemic, we have sought to actively respond to market demand alongside comments made by other LPAs. DWH have witnessed a step change in prospective purchasers’ expectations of what a house should provide and this includes the ability to work flexibly from home. With regard to the Hadley house type, we have sought to be agile in our response to this demand which is why an office/study is being proposed on the first floor. By offering the room for this use, it opens up this 1,000sqft house type to a growing market sector who aspire to a home with a separate utility room, a master bedroom with en suite, a second double bedroom and then a separate room in which to work.

In this room we are proposing to provide additional ‘superfast’ fibre connection points and sockets to allow for a desk with multiple inputs to be set up. We are therefore purposefully setting the room up to be marketed and used a study rather than a bedroom - which is entirely consistent with Government guidance and public demand.”

5.4.9 It is therefore considered that whilst it would not be possible or reasonable to restrict the use of this room to office/study purposes through a planning condition, they are

still 2 bedroom units as the additional room does not meet the technical standards for a third bedroom, although it is acknowledged that they may be used for that purpose. Even if the units were considered as 3 bedroom units the resulting overall housing mix would be 50 % larger 3 and 4 bedroom units and 50% smaller 1 and 2 bedroom units and would, on balance, be considered acceptable taking all material considerations into account.

- 5.4.10 Therefore, when considering the development as a whole, it would meet the Council's identified needs in relation to housing mix and would support the provision of mixed and balanced communities as required by the NPPF.

5.5 Design and Impact on the Character of the Area

- 5.5.1 Part of the environmental role of sustainable development as referred to in the NPPF, is that the planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.
- 5.5.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.5.3 The application site is located within the settlement boundary of North Farnbridge and forms part of a larger development site where 75 dwellings are currently under construction. The erection of 12 residential dwellings on the site would therefore be viewed within the wider setting of the already consented residential development and would not appear out of character or result in any material harm to the wider setting of the site. The application site has already had outline consent granted for up to 1000 sq m of commercial/community use and the principle of built form on the site has been established.
- 5.5.4 The overall design of the dwellings are considered to be acceptable and would be commensurate in form and appearance to the wider development within which they are situated, and would be viewed. All dwellings located on corner plots have been designed with appropriate articulation and detailing to ensure interest to both street scene elevations. Plots 108 and 111/112 (which are located at either end of the eastern facing row of dwellings) would be finished in chalk render to create a visual 'book-end' to the proposals. The dwellings also feature similar architectural detailing to the wider site (including the use of bay windows) which will ensure that they appear in keeping with the wider site.
- 5.5.5 The development does include two 1 bedroom flats and one 2 bedroom flat, however these have been designed in such a way as to appear as a two storey dwelling and would therefore appear in keeping within the wider area whilst also providing an appropriate mix of housing within the development.
- 5.5.6 The proposed dwellings will utilise a mix of red and buff bricks with predominately grey roofs interwoven with elements of rustic red to soften the roof scape. This palette of materials and colours will create a cohesive addition to the wider scheme with the materials selected from the same palette approved for the wider site.

- 5.5.7 A previous application on this site was withdrawn, partially to address design issues and ensuring that effective use of the land was made. This application has addressed previous officer concerns with the scheme with the overall development of the site appearing more commensurate with the wider development in terms of density and built form.
- 5.5.8 Overall it is considered that the design approach taken is appropriate to the site and would result in a seamless addition to the wider development. The development would therefore accord with LDP policies, the MDDG and the guidance contained within the NPPF.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.6.2 There are residential dwellings currently under construction to the northern and western boundaries of the application site with a further residential dwelling (East View) located between 13 and 15 metres to the south of the application site boundary.
- 5.6.3 In terms of land use the proposal would result in a residential land use as opposed to a commercial/community land use which has already been granted. Given that the application site is located in an area characterised by residential dwellings it is considered that a residential use would not materially harm the amenities of the neighbouring residential occupiers, in terms of noise and disturbance.
- 5.6.4 The nearest residential dwelling to the application site that is not part of the wider development is East View which is located between 13 and 15 metres to the south of the application site and between 28 and 29 metres from the frontages of the proposed dwellings on plots 112, 113 and 114. There would be an access road, visitor parking and strip of soft landscaped amenity space between the proposed dwellings and the north facing flank elevation of East View. Given this degree of separation it is considered that the proposed development would not result in any materially harmful impacts towards the occupiers of this dwelling.
- 5.6.5 To the west of the application site are plots 63 – 71 of the wider consented site (14/01016/OUT and 19/00252/RES relate) and the proposed residential units would be positioned fronting onto these dwellings with the access road in between. There would be minimum building to building distances of 16 metres with any views from the proposed dwelling towards the public frontage of the existing consented plots. On this basis it is considered that the development would not result in any material loss of outlook, loss of light or loss of privacy towards future neighbouring occupiers.
- 5.6.6 To the north of the application site are plots 3 and 4 of the wider consented site (14/01016/OUT and 19/00252/RES relate) and the proposed residential units would be positioned between 14 and 18 metres away from these dwellings with the main access road into the development in between. Again given this separation distance, and that any views from the first floor windows would be towards the public frontage of the existing consented plots it is considered that the development would not result in any material loss of outlook, loss of light or loss of privacy towards future neighbouring occupiers.

5.6.7 In terms of internally within the proposed development the proposed residential units have all been positioned to ensure no material loss of privacy would occur towards future occupiers with most properties orientated flank to rear.

5.6.8 Overall it is considered that the proposed development would not result in any materially harmful impacts towards residential amenity and would accord with LDP Policy D1.

5.7 Access, Parking and Highway Safety

5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to 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.

5.7.2 The application site benefits from existing vehicular access to Fambridge Road which has been constructed under consents 14/01016/OUT and 19/00252/RES. The principle of the vehicular access has already been established and outline consent previously granted for commercial/community use on the site which would have resulted in vehicular traffic.

5.7.3 The application has been supported by a transport statement technical note which considers the impact on the local highway network of the potential changes to the previously approved land usage. This transport statement for the original consent for 75 dwellings and 1000 sq m of flexible commercial/community uses concluded that:

- There will be one point of vehicular access into the site from Fambridge Road with 2.4 m x 70 m splays as requested by Essex County Council (ECC).
- Traffic flows on Fambridge Road were light and the road could easily accommodate the additional traffic.
- The development conformed to National Planning Policy as it is in an area accessible by sustainable modes of transport.

5.7.4 The technical note submitted with this application concludes that the conclusions drawn from the original transport statement for the wider development will not be affected by the proposed replacement of the commercial/community use with 12 additional residential units.

5.7.5 In terms of trip generation, the technical note states that: "*The proposed residential use at the site would generate fewer trips over the AM and PM peak periods than the consented commercial / business use. The comparison demonstrates that in the AM peak for the proposed residential development, there would be a reduction in 21 vehicular trips, and a reduction of 18 vehicular trips in the PM peak. The net reduction in the vehicular movements to and from the site as a result of the replacement land use will contribute to the overall reduction in the volume of traffic on the local highway network during the AM and PM peak hours.*"

5.7.6 ECC Highways have been consulted on this application and advise that the proposal will not alter the approved site access junction with Fambridge Road and will result in a lower trip generation from the development. On this basis the proposal is not considered detrimental to highway safety, capacity or efficiency. ECC Highways therefore advise that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to appropriate conditions.

5.7.7 To meet the VPS the development would need to comply with the following residential standards:

- One bedroom dwelling: 1 off-street parking .
- Two and three bedroom dwelling: 2 off-street parking spaces.
- Four+ bedroom dwelling: 3 off-street parking spaces .
- Housing development for more than 10 dwellings should be served by 1 visitor parking per 4 dwellings.
- At least 1 home charging point per residential dwelling with off-street parking.

5.7.8 All proposed dwellings would meet the adopted parking requirements in terms of parking space provision. It is noted that some of the market dwellings would have garages, however these would meet the minimum internal dimensions requirements as set out in the VPS SPD (2018).

5.7.9 In relation to visitor parking 3 additional visitor parking spaces are proposed alongside the southern access road, with the six shown alongside the western access road already consented as part of the wider development. Cycle storage is also to be provided as well as 1 vehicle charging point to an allocated point for each dwelling.

5.7.10 Overall there is no objection to the proposal in terms of access, parking or highway safety subject to appropriate conditions.

5.8 Private Amenity Space and Landscaping

5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide (MDG) 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 25 m² for flats.

5.8.2 All Proposed dwellings would meet the standards for private amenity space as set out in the MDDG with the majority of them exceeding the standards. In terms of outlook, ventilation and light, it is noted that all habitable rooms of all proposed types of dwellings would be served sufficient fenestration to secure the future occupants' living conditions.

5.8.3 In relation to landscaping the application has been supported by a landscape masterplan as well as a detailed soft landscaping plan. The submitted details show that the site would be well soft landscaped with evergreen hedges to define private curtilages, ornamental and native street trees, as well as mixed ornamental and herbaceous shrub planting to front gardens. Amenity grass areas will be planted with spring flowering bulbs for seasonal interest and ecological benefits. The proposed soft landscaping will soften the appearance of the development and assimilate well into the overall approved soft landscaping scheme for the wider development.

5.8.4 There is therefore no objection to the proposal in relation to private amenity space of soft landscaping as the development will provide appropriate level of private amenity space for each dwelling as well as soft landscaping to ensure the development complements the existing wider soft landscaping on the site and the public open space to the east.

5.9 Flood Risk and Drainage

Flood Risk

- 5.9.1 The area of the site where the 12 dwellings are proposed to be located lies within Flood Zone 1; however, the access to the site is located within Flood Zones 2 and 3.
- 5.9.2 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To assess that, a Sequential Test should be applied.
- 5.9.3 Paragraph 158 states that “*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.*”
- 5.9.4 Policy D5 of the LDP states that the Council’s approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency (EA). Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.9.5 The proposed houses would be located in Flood Zone 1; however, consideration should be had to the ingress and egress point of the site, which sits in flood Zones 2 and 3. It is acknowledged that the residential development has been located in the part of the site that lies within the area of the lowest risk of flooding and for that reason, in this particular instance, it is considered unnecessary for the sequential test to be applied in a District wide level in terms of alternative sites in lower risk of flooding, given that the development (the dwellings) is located in such area.
- 5.9.6 Following the application of the Sequential Test, if not possible for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. Whilst in this instance the development (the dwellings) would be located in Flood Zone 1, it is considered that all other considerations related to flood risk and the sustainability credentials and wider benefits of the proposal should be undertaken as part of the exception test.
- 5.9.7 In accordance with the NPPF in order for the Exception Test to be passed the following should be demonstrated:
- ‘a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.’*
- 5.9.8 The development would provide wider sustainability benefits to the community as it would result in the erection of 12 dwellings, with 40% affordable, in a relatively sustainable location, and of an appropriate mix, in flood zone 1, which will assist in delivering the housing that is required within the District.

- 5.9.9 A Flood Risk Assessment (FRA) accompanies this application and the EA has raised no objection to the development. The EA advises that: *“Finished ground floor levels have been proposed at 5.53m AOD. This is above the 0.5% (1 in 200) annual probability flood level including climate change of 5.32 m AOD and therefore dry in this event.”* And *“There is refuge above the 0.1% (1 in 1000) annual probability flood level of 5.45 m AOD. Ground floor finished floor levels at 5.53, are set above this flood level.”*
- 5.9.10 With regard to the access of the site, the vehicular access is located within Flood zones 2 and 3 and therefore this proposal does not have a safe means of vehicular access in the event of flooding from all new buildings to an area wholly outside the floodplain. However, there is pedestrian access/egress to the west of the site that is located outside of Flood zones 2 and 3. The FRA submitted with the application recommended that future users of the site ensure they are registered with the EA’s Flood Warning system to provide adequate forewarning in the event of a predicted flood in the neighbourhood. This can be dealt with via a condition.

Surface Water Drainage

- 5.9.11 In relation to surface water drainage the application has been supported by a Drainage Statement as well as a Drainage technical Note and detailed layout plans. The submitted drainage statement concludes that in terms of surface water drainage the proposal will provide a betterment as there will be a reduction in the size of impermeable built form compared to the consented 1000 sq m of commercial/community uses. This therefore results in a reduction in the runoff rates and the storage required within the site to attenuate surface water flows.
- 5.9.12 The detailed submitted surface water strategy details that the surface water strategy for this development will integrate into the overall drainage strategy for the wider site and will connect into the surface water network that was designed in accordance with the original strategy. Attenuation is used to achieve greenfield run off rates and this is to be provided with a geocellular storage system. Furthermore, permeable paving is to be used for all driveways.
- 5.9.13 The Lead Local Flood Authority (ECC Suds Team) have been consulted on this application and have confirmed that they have no objection to the proposed development subject to a condition requiring yearly logs of the maintenance of the Suds (which should be carried out in accordance with the SuDS Maintenance and Management schedule contained within the Drainage Statement).

Foul Drainage

- 5.9.14 At the time that the original outline consent for the wider development was granted there was insufficient capacity within the foul drainage network for any additional dwellings. The original outline consent granted for the wider scheme therefore had a condition attached to it which amongst other elements ensured that no dwellings could be occupied until confirmation is obtained of available permitted capacity in the network and at the treatment works.
- 5.9.15 In order to address capacity issues the applicant worked with Anglian Water to find a foul and wastewater strategy to serve the development. The foul and wastewater drainage strategy direct flows to the sewerage network draining to the South Woodham Ferrers WRC via a new rising main. Confirmation has been submitted detailing that the new rising main is in position and taking foul water from the development. The proposed dwellings will connect into this system with all foul water

drainage draining to the South Woodham Ferrers WRC. Anglian Water have been consulted on this application and have confirmed that:

“The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre that will have available capacity for these flows.”

5.9.16 On the basis of the above assessment the foul drainage to serve the development is considered to be acceptable.

5.10 Ecology

5.10.1 Paragraph 170 of the NPPF states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.”* Furthermore paragraph 175 of the NPPF states that *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”*

5.10.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network

5.10.3 Policy N2 of the LDP states that:

“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”

5.10.4 Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

5.10.5 The application has been supported by a Ecology Walkover Letter (JBA, January 2020) a Landscape Masterplan (JBA, February 2020) and an Addendum to the Ecological Walkover Letter (JBA, May 2021) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats. The application site already has had the principle of commercial/community use established. The site habitats comprise poor semi-improved grassland with tall ruderals. The ecological walkover survey was undertaken in January 2020 which found no constraints to the development and concluded that the habitats on site were of low value for ecology. A previous preliminary ecological appraisal was conducted in 2014 by t4 ecology ltd stating no major ecological constraints for the site. A badger survey was also conducted by in 2018 which found no evidence of the species.

5.10.6 The Council’s ecology consultant has been consulted on this application and have advised that there is sufficient ecological information available for determination of the application. They advise that this provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable in ecological terms.

- 5.10.7 Appropriate mitigation measures which include bird and bat boxes, the incorporation of native and/or wildlife attracting trees, shrubs and wildflower areas as well as 'hedgehog links' at the base of garden fences can be secured through a condition.
- 5.10.8 The application site is within approximately 180m of the Crouch and Roach Estuaries SPA and Ramsar site and therefore a bespoke Habitats Regulations Assessment (HRA) is required to be undertaken by the LPA. Given the proximity of the development to the designated site, all impacts from the construction and operational phase of the development on the designated site has to be considered.
- 5.10.9 Impact upon Designated Sites
- 5.10.10 As the proposed development affects a European protected site which is a Special Protection Area (SPA) and a Ramsar wetland, the LPA needs to carry out a HRA. The information provided by the applicant is used to undertake this assessment.
- 5.10.11 The application site already has consent granted for the principle of commercial/community use development and this was considered under the HRA undertaken for the original outline consent (14/01016/OUT). In relation to the construction phase of the development now sought this would not be materially different to the construction phase for the commercial/community use and it is not considered this would have a Likely Significant Effect (LSE) on the European sites.
- 5.10.12 The 12 residential dwellings would intensify the use of the site and therefore has the potential, without mitigation, to have a LSE on the European sites which would mainly be through recreation disturbance.
- 5.10.13 The proposed development is of a small scale and the direct disturbance caused by the development would be relatively limited, however there is already a high level of human activity and associated disturbance to the European sites.
- 5.10.14 When the development is considered in combination with the existing levels of disturbance already caused by existing developments in the area and the increased visitor pressure on the area from new housing developments it must be considered to have a LSE when viewed in combination with other developments.
- 5.10.15 Therefore, the proposed development has the potential, in the absence of mitigation, to result in significant adverse effects on the Crouch and Roach Estuaries European designated sites when considered in combination with other developments.
- 5.10.16 In terms of mitigation the addendum to the ecological letter advises that the proposed masterplan for the site as a whole shows two main areas of public open space within the site along with an area of landscaping along the western and northern boundary, all of which will be accessible by the public, and which in total comprises at least 2 hectares. Furthermore, to reduce the numbers of residents driving to designated sites for recreation purposes on a regular basis including to walk their dogs, the development will provide facilities which are attractive to residents seeking a local walk. The layout of the housing provides suitable circular walks within the open greenspace and developed areas. In addition, a 1.4km off site permissive footpath is to be created around the perimeter of adjacent agricultural land under the legal agreement attached to OUT/MAL/14/01016. This footpath will be easily accessible through the adjacent development and for the residents of these additional 12 dwellings.
- 5.10.17 On top of the green infrastructure detailed above and the footpath the development is located within the Zone of Influence (ZOI) for the Essex Coast RAMS a financial

contribution of £127.30 per dwelling (£1,527.60 total) will be secured from the applicant under a legal agreement.

- 5.10.18 Provided this mitigation measure is carried out, it can be concluded that reasonable measures have been taken to address the potential impact of the proposed development on the integrity of the relevant European sites. The green infrastructure has already been secured and the agent has agreed to the financial contribution to the Essex Coast RAMS which will be dealt with via a S106 legal agreement.
- 5.10.19 Natural England (NE) have been consulted on the application and have raised no objection to the proposal subject to securing the appropriate mitigation.
- 5.10.20 Having considered the proposed avoidance and mitigation measures above, it is considered that with mitigation the project will not have an Adverse Effect on the Integrity of the adjacent European Designated sites.
- 5.10.21 Overall it is considered that subject to conditions, the proposed development would be acceptable in terms of nature conservation and biodiversity in accordance with LDP policies as well as the NPPF.

5.11 Other Material Considerations

Heritage Assets

- 5.11.1 The nearest heritage asset to the site is Smuggler's Cottage which is located approximately 70 metres to the north of the vehicular access to the site. This property is on the List of Local Heritage Assets in North Fambridge, which was formally adopted by Maldon District Council (MDC) on the 6th of June 2019.
- 5.11.2 The proposed development has the potential to affect the setting of Smuggler's Cottage. However, the Council's Conservation and Heritage Specialist advises that the proposal for 12 dwellings will not cause any harm to the setting or significance of the locally listed building. This mainly is because of the considerable distance which separates the application site from the non-designated heritage asset.
- 5.11.3 The proposal therefore poses no conflict with the requirements of policy D3 of the Maldon LDP or policy 197 of the NPPF.

Conditions

- 5.11.4 A number of conditions have been recommended (as detailed in section 8 of this report). There are no pre-commencement conditions as the agent submitted all documents that are normally dealt with via pre-commencement conditions as part of this application.

6. ANY RELEVANT SITE HISTORY

(Relating to the application site and wider development site incorporating the 75 dwellings.)

- **OUT/MAL/14/00186** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace and a 1.8ha village green and public open space. Refused - 11.08.2014.
- **OUT/MAL/14/01016** - Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible

commercial and community floorspace, a 1.8ha village green and public open space. Approved Subject to S106 - 18.03.2016.

- **RES/MAL/17/00776** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 06.02.2018.
- **DET/MAL/17/05154** - Compliance with conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 5 - Materials. Condition 6 - Treatment boundaries. Condition 8 - Trees. Condition 9 - Hedges. Condition 10 - Ecology Report. Condition 12 - Surface water drainage system. Condition 13 - Foul and surface water drainage system. Condition 14 - Visibility splays. Condition 17 - Surface water. Condition 18 - Finished ground and floor levels. Conditions 19 - On-site construction management plan. Condition 21 - Reptile mitigation strategy. Condition 22 - Mitigation and management strategy. Condition 23 - Archaeological assessment. Condition 24 - Programme of archaeological work. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Part Approved Part Refused - 15.05.2018 – Allowed on Appeal.
- **DET/MAL/18/05041** - Compliance with conditions notification RES/MAL/17/00766 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Refused - 15.05.2018.
- **DET/MAL/18/05050** - Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8 ha village green and public open space) Condition 20 - Lighting strategy. Approved - 11.07.2018.
- **DET/MAL/18/05091** - Compliance with conditions notification of application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 12 - Surface water drainage system maintenance. Condition 13 - Foul and surface water drainage scheme. Condition 17 - Discharge of surface water onto highway. Condition 31 - Wastewater strategy. Condition 33 - Foul water strategy. Refused - 07.08.2018.
- **DET/MAL/18/05119** - Compliance of conditions notification of approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space). Condition 25 - Risk assessment. Condition 26 - Detailed remediation scheme. Condition 27 - Remediation scheme commencement. Approved - 17.09.2018.
- **DET/MAL/18/05130** - Compliance with conditions notification RES/MAL/17/00776 (Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application

OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space.) Condition 9. Details of the sub-station and pumping station. Approved - 18.10.2018.

- **RES/MAL/19/00252** - Reserved matters application for the approval of appearance, landscaping, layout & scale for approved application OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sqm of flexible commercial and community floorspace, a 1.8ha village green and public open space). Approved - 29.05.2019.
- **DET/MAL/19/05033** - Compliance with conditions notification of approved application OUT/MAL/14/01016 Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space. Condition 5 materials. Condition 6 treatment boundaries. Condition 7 hard and soft landscape. Condition 8 tree survey. Condition 9 arboricultural method statement. Condition 16 car parking. Condition 19 construction management plan. Approved - 27.06.2019.
- **19/05116/DET** - Compliance with conditions notification OUT/MAL/14/01016 (Outline planning application for up to 75 market and affordable dwellings, a village centre of up to 1,000 sq m of flexible commercial and community floorspace, a 1.8ha village green and public open space) Condition 13 - Foul & surface water drainage. Condition 31 Wastewater strategy. Condition 33 - Foul water strategy. – Approved - 08.11.2019
- **20/01233/FUL** - Application for a temporary sales area with associated landscaping, parking and entrance features for the period December 2020 - December 2022 – Approved – 22.02.2021

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Fambridge Parish Council	The Parish Council has no objections to this application on planning terms. However, we would like to make a comment on the continuing incorrect assertion that the village has a bus service. The village has a fortnightly bus to Chelmsford and a weekly shoppers bus to South Woodham Ferrers only.	Noted. Locational sustainability issues are covered in section 5.1 of the main report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water	The foul drainage from this development is in the catchment of South Woodham Ferrers Water Recycling Centre that will have available capacity for these flows.	Noted and referenced in section 5.9.
ECC Highways	<p>As far as can be determined from the details submitted, the proposal will alter the existing permitted use for 1000m² of commercial / business space under planning permission OUT/MAL/14/01016 to 12 residential units. The proposal will not alter the approved site access junction with Fambridge Road and will result in a lower trip generation from the development.</p> <p>The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, therefore From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to conditions.</p>	Noted and covered within the main report section 5.7.
ECC Suds (Lead Local Flood Authority)	<p><u>First Response</u></p> <p>Issued a holding objection based on the following:</p> <ul style="list-style-type: none"> • Construction drawings need to be provided for the elements of the surface water drainage system • Exceedance routes need to be provided <p><u>Second Response</u></p> <p>Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to a</p>	<p>Noted and required information was submitted.</p> <p>Noted and covered in section 5.9 of report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	condition relating to the maintenance of the suds.	
Essex County Fire and Rescue Service	<p>Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13 and appears to be acceptable subject to satisfactory compliance with Building Regulations B5.</p> <p>More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>	Noted.
Environment Agency	No objection to the proposal providing that LPA has taken into account the flood risk considerations.	Noted and covered in section 5.9 of report.
Place Services - Ecology	<p><u>First Response</u></p> <p>Holding objection due to insufficient ecological information on designated sites (Crouch and Roach Estuaries Special Protection Area and Ramsar site)</p> <p><u>Second Response</u></p> <p>No objection subject to securing biodiversity mitigation and enhancement measures.</p> <p>We note that this application is part of a wider development site, under 14/01016/OUT and 19/00252/RES and this application is for a change of use of 0.6ha of this site from commercial to residential development.</p> <p>We are now satisfied that there is sufficient ecological information available for determination.</p> <p>This provides certainty for the LPA of the likely impacts on</p>	<p>Noted and required information was submitted.</p> <p>Noted and covered in section 5.10 of report.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p> <p>The mitigation measures identified in the Addendum to the Ecological Walkover Letter (JBA, May 2021) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.</p>	
Natural England	<p>It has been identified 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).</p> <p>In the context of your duty as competent authority under the provisions of the Habitats Regulations, 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.</p> <p>We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must</p>	Noted and covered in section 5.10 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>The nearest heritage asset to the site is Smuggler's Cottage. This property is on the List of Local Heritage Assets in North Fambridge, which was formally adopted by Maldon District Council on the 6th of June 2019.</p> <p>The proposed development has the potential to affect the setting of Smuggler's Cottage. However, having studied the submitted plans, I advise that the proposal for 12 dwellings will not cause any harm to the setting or significance of the locally listed building. This mainly is because of the considerable distance which separates the application site from the non-designated heritage asset.</p> <p>The proposal poses no conflict with the requirements of policy D3 of the Maldon LDP or policy 197 of the NPPF. For this reason I raise no objection to the approval of the application.</p>	Noted.
Environmental Health	<p>It would appear that satisfactory provision can be made for foul drainage, but I would suggest a foul water condition.</p> <p>In accordance with the recommendations set out in the Site Investigation Report , October 2017 the revised conceptual model indicates a</p>	Noted

Name of Internal Consultee	Comment	Officer Response
	<p>presence of water soluble sulphate which can significantly attack buried concrete. A remedial strategy should be identified and approved with the relevant Building Control Officer.</p> <p>If ground conditions should differ significantly from those encountered during the intrusive investigation, including the discovery of any visible or odorous contamination, site redevelopment works should be suspended until the suspect material has been inspected and assessed by a competent Geo-Environmental Engineer. Details of any such discovery should be submitted to the Local Planning Authority for consideration.</p> <p>A construction management plan has been provided, project no.H7408 July 2020, Revision C20.012021. A condition should be applied to ensure it is adhered to.</p>	
<p>Planning Policy Team</p>	<p>No objection to the proposal subject to specified planning conditions being applied to any grant of permission. Raises a concern over loss of the commercial site and recommends submission of evidence to make sure the marketing was undertaken and that there were no buyers of interest.</p> <p>The District does not have a 5-year supply of housing and 12 homes delivering 41% affordable housing on a site very near a train station and near to services and facilities in South Woodham Ferrers being only 5.2m away and Maldon being 6.8m would assist in boosting the supply of housing in conformity with the NPPF.</p>	<p>Noted and covered in sections 5.1 and 5.2 of the report.</p>
<p>Strategic Housing</p>	<p>The Full Planning Application is proposing the development of 12 No dwellings with associated</p>	<p>Noted and covered in section 5.3 of the report.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>details for access, appearance, landscaping, layout and scale, which triggers 40% affordable housing requirement under Policy H1 of the Approved Local Development Plan 2014-2029.</p> <p>The Applicant is proposing the following affordable properties - Affordable Rented 1 x 2 bed house, 69.6 sqm 1 x 1 bed flat, 50.1 sqm 1 x 1 bed flat, 52sqm</p> <p>Intermediate affordable 1 x 2 bed house, 69.6sqm 1 x 2 bed flat over garage, 65.4sqm</p> <p>The Applicant is meeting the required number of affordable properties as per Policy H1, and as such Strategic Housing Services supports this Application.</p> <p>Strategic Housing have confirmed that the properties meet HQI Standards and are acceptable in terms of overall size.</p>	

7.4 Representations received from Interested Parties

7.4.1 6 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
<p>A number of houses have already been granted permission in the village already and any more development will only hinder this village with further traffic and noise.</p>	<p>Traffic movements are considered in section 5.7 of the report and would be less than the commercial/community uses previously granted.</p>
<p>The houses are also not needed as Maldon District Council already has a five-year land supply and this is a new green field development.</p>	<p>Please see section 5.1 of the report.</p>
<p>Village unable to cope with existing new houses being built.</p>	<p>Please see section 5.1 of the report.</p>
<p>There is only one road in and out of the village and the 12 houses will generate additional traffic and congestion particularly at the entrance to the village making accidents more likely.</p>	<p>Traffic movements are considered in section 5.7 of the report and would be less than the commercial/community uses previously granted.</p>

Objection Comment	Officer Response
The shops planned would be more useful to the village as would a doctors surgery – if no uptake then nothing should be put there.	Please see section 5.2 of the report.
Although no sufficient interest has been shown in the commercial/community site thus far, the option for it to be developed to support jobs or community uses in the village should remain, especially given the huge changes that society has undergone as a result of the coronavirus pandemic.	Please see section 5.2 of the report.
The provision of community/commercial space in the original plans was used to justify the wider development, which sits outside of the village footprint in an area in which development was previously prohibited, and the status of this land should not be retrospectively altered.	Please see section 5.2 of the report.
No infrastructure upgrades to benefit the village have resulted from the new developments.	Noted. This application is proposing 40% affordable housing and RAMs payment. No additional infrastructure has been highlighted as a requirement of the development.
Many villagers that have lived here for years are now experiencing flooding around the new housing estate.	Noted. Please refer to section 5.9 of the report.
Over the 2020/21 winter the new 75 house development, although still under construction, has already caused surface water flooding to existing housing and on the Fambridge Road in the village.	Noted. Please refer to section 5.9 of the report.
Transport statement details in relation to the bus service is inaccurate.	Noted.
The only buses that service the village are a fortnightly bus to Chelmsford, a weekly shoppers bus to South Woodham Ferrers and school buses.	Noted. It is acknowledged in the report that the site is within a reasonably sustainable location with limited facilities and services in the village. However, the train station offers good public transport links.
Trains are every 40 minutes and outside of peak hours, evenings and weekends passengers must change at Wickford. After about 11pm trains stop.	Noted.
No one cycles anywhere outside of the village because the roads are so dangerous and fast.	Noted.
Refers to Natural England comments and urge the council to start taking a rather longer-term view on this point.	Noted. Please refer to section 5.10 of the report.

8. PROPOSED CONDITIONS AND HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

APPROVE subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to require the following planning obligations:

- Affordable Housing (5 units - 41.7 %)
- Financial Contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)

PROPOSED CONDITIONS

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out in complete accordance with approved drawings: H7408-3B-DE-611 Rev P1, H7408-3B-DE-621 Rev P1, H7408-3B-DE-622 Rev P1, H7408-3B-SO-625 Rev P1, H7408-3B-SP-600 Rev P1, H7408-3B-SP-610 Rev P1, H7408-3B-SP-620 Rev P1, H7408-3A-SP-001 Rev A, H7408-3A-SP-002, H7408-3A-SP-003, H7408-3A-SP-004, H7408-3A-SP-005, H7408-3A-SP-006, H7408-3A-SP-007, H7408-3A-SP-008, H7408-3A-SP-009, H7408-3A-SP-010, H7408-3A-SS-001 Rev A, JBA17 005-10 Rev D, JBA17/005-SK02 Rev B, Cycle-2A-CS-001 Rev A, 890372 RSK C ALL 02 01 01 Rev P04, 890372 RSK C ALL 04 01 01 Rev P04, 890372 RSK C ALL 05 01 01 Rev P04, 890372 RSK C ALL 05 02 01 Rev P05, 890372 RSK C ALL 06 01 01 Rev P04, B7X3DG-EL, B7X3DG1-FP, B7X3DG2-FP, H436-ELR, H436-FL, H469-EL, H469-FL, H421-EL, H421-FP, P341-BW-EL, P341-BW-FL, P204-FP-EL, SH50-FP-EL, SF58/59-FP-EL-DET, SH73-EL, SH73-FP.

REASON: To ensure the development is carried out in accordance with the details as approved.

3 The materials used in the external construction of the development hereby approved shall be as set out within the application form and plans

REASON: To ensure the appropriate appearance of the development in the interest of the character and appearance of the area and wider development in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on plan references JBA17 005-10 Rev D and JBA17/005-SK02 Rev B and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

5 Prior to the first occupation of the development hereby permitted the hard landscape works and boundary treatments as shown on plan reference H7408-3A-SP-008 shall be carried out and retained as such thereafter.

REASON: In the interest of the character and appearance of the area as well as to ensure privacy for future residents in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

6 The foul drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020 with foul drainage connecting to the new rising main to be discharged at South Woodham Ferrers treatment works.

REASON: To ensure appropriate foul drainage for the development in accordance with policies D2 and D5 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

7 The surface water drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

8 The applicant or any successor in title must maintain yearly logs of the maintenance of the SuDS system which should be carried out in accordance with any approved Maintenance Plan (appendix F of the Drainage Statement – 890372-R1(3) dated February 2020). These must be available for inspection upon a request by the Local Planning Authority.

REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in the approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

9 The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision C dated 20.01.2021 unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise disruption caused during construction works and to ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

10 Prior to first occupation of the development, and as shown in principle on planning drawing H7408-3A-SP-002. Each vehicular access shall be constructed at right angles to the highway boundary and to the proposed carriageway.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy T1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

11 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing H7408-3A-SP-002. Each parking space shall have dimensions in accordance with current parking standards. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking areas shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with the adopted vehicle

- parking standards and policy D1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 12 Prior to first occupation of the development, the cycle parking as shown on plan references H7408-3A-SP-005 and CYCLE-2A-CS-001 shall be provided. The approved facility shall be secure, convenient, covered and retained at all times.
REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with the adopted vehicle parking standards and policy D1 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 14 There shall be no discharge of surface water onto the Highway.
REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 15 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.
REASON: To ensure any contamination found present on the land is remediated in the interests of the future users of this development as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 16 The development shall be carried out to ensure that all mitigation and enhancement measures as detailed in the Ecology Walkover Letter (JBA, January 2020) and the Landscape Masterplan (JBA, February 2020) and the Addendum to the Ecological Walkover Letter (JBA, May 2021) are carried out.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

REASON: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) in accordance with policies N1 and N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.

- 17 There shall be no external lighting of the development unless otherwise agreed in writing by the local planning authority.
REASON: To ensure the development is appropriate to the locality which is and would not result in any harm to biodiversity in accordance with policies D1 and N2 of the approved Maldon District Local Development Plan, and guidance contained within the National Planning Policy Framework.
- 18 No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.
REASON: To ensure that appropriate infrastructure is provided for the new development to meet the community needs, in accordance with policy I1 of the approved Maldon District Local Development Plan.

INFORMATIVES

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org