



**REPORT of  
CHIEF EXECUTIVE**

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**to  
COUNCIL (EXTRAORDINARY)  
29 JUNE 2017**

|                                                           |                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number</b>                                 | <b>FUL/MAL/16/00154</b>                                                                                                                                                                                                                           |
| <b>Location</b>                                           | Land Adjacent Heybridge Swifts Football Club Scraley Road<br>Heybridge Essex                                                                                                                                                                      |
| <b>Proposal</b>                                           | Development of the existing Heybridge Swifts Football ground<br>for 104 dwellings, public open space, landscaping, highways &<br>ancillary and associated development. Raising of the ground level<br>across the site by up to a maximum of 0.8m. |
| <b>Applicant</b>                                          | Bloor Homes Eastern & Heybridge Swifts FC                                                                                                                                                                                                         |
| <b>Agent</b>                                              | Mr Andrew Martin - Andrew Martin - Planning                                                                                                                                                                                                       |
| <b>Target Decision Date</b>                               | 01/07/17 as by agreement                                                                                                                                                                                                                          |
| <b>Case Officer</b>                                       | Mark Woodger, Principal Planner – Major Applications (Strategic<br>Sites) TEL: 01621 875351                                                                                                                                                       |
| <b>Parish</b>                                             | <b>HEYBRIDGE EAST</b>                                                                                                                                                                                                                             |
| <b>Reason for Referral to the<br/>Committee / Council</b> | Departure from the Local Plan<br>Major Application<br>Level of Public Participation<br>Local Development Plan site allocation site S2(h)                                                                                                          |

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land Adjacent Heybridge Swifts Football Club, Scraley Road, Heybridge**  
**FUL/MAL/16/00154**



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 Maldon District Council 100018588 2014

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Scale: 1:5,000

Organisation: Maldon District Council

Department: Department

Comments: Committee 16/00154

Date: 07/06/2017

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 Full planning permission is sought for the development of the existing Heybridge Swifts Football ground for 101 dwellings (30 affordable dwellings) plus the inclusion of open space, landscaping, ancillary and associated development. The existing highway access would be stopped up and a new vehicular access would be provided in a location towards the north east corner of the site. This access would lead to an internal road providing access to all dwellings via this internal road. The proposal also involves the raising of the ground level across the site by up to a maximum of 0.8m for surface water management.
- 3.1.2 As a result of the proposed development of this site it is proposed that the football club would relocate to a site on Land to the East of Drapers Chase in Heybridge, which is subject of application reference (FUL/MAL/16/00150) which is also considered in the Committee agenda.

#### **3.2 Conclusion**

- 3.2.1 This is a complex planning application following a series of meetings held over a number of years between the Council and the applicants to secure housing on this site and the planned enabled development of a new football facility to the South of the site. So Members have a full picture of the works as proposed the two applications are considered at this Extraordinary meeting of the Council.
- 3.2.2 The Council's Local Development Plan (LDP) shows the application site as one of the planned strategic sites for future housing provision, and 101 units is shown as being optimal. The site and its delivery is not included in the Council's five year land supply to acknowledge that this would be an enabling development, to plan for and provide a new sorting facility to replace the existing ground on land which is not identified in the LDP.
- 3.2.3 To ensure this connectivity the Council would require the applicants to enter into a Section 106 (S106) agreement to link the two sites and to ensure delivery of the football club. Without this there is a fundamental national and local policy objection.
- 3.2.4 As the two clubs are linked the development on each must make provision within each application and offers are concerned that the affordable housing provision on this site, as set at 30% in the application requires qualification given that the development will have to financially enable the new football facility. Not in itself an inexpensive option.
- 3.2.5 The applicants have not submitted this viability information, not formal heads of terms of a S106 agreement to the fundamental detriment of the scheme.
- 3.2.6 The site itself is in a sensitive rural edge and notwithstanding its current form the amount and scale of development as proposed is considered on balance to not represent this sensitive edge of open rural area location.

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

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 4 – Promoting Sustainable Transport
- Section 5 – Supporting High Quality Communication Infrastructure
- Section 6 – Delivering a Wide Choice of High Quality Homes
- Section 7 – Requiring Good Design
- Section 8 – Promoting Healthy Communities
- Section 10 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Decision - Taking
- Annex 1 – Implementation

##### **4.2 Maldon District Replacement Local Plan 2005 (RLP) – Saved Policies:**

- S1 – Development Boundaries and New Development
- S2 - Development Outside Development Boundaries
- CON5 – Pollution Prevention
- CON6 – Contamination
- CC5 – Protection of Wildlife on Development Sites
- CC6 - Landscape Protection
- CC11 – The Coastal Zone
- H1 – Location of New Housing
- H6 – Housing Density
- H9 – Affordable Housing
- BE1 – Design of New Development and Landscaping
- BE3 – Public and private amenity spaces
- BE8 - Lighting
- BE17 - Preservation of Sites of Nationally Important Archaeological Remains and their Settings
- BE18 - Control of Development at a Site of Local Archaeological Value
- REC1 - Allocation of land for formal public open space
- REC3 – Children's Play Space associated with new housing developments and elsewhere in the district
- REC4 - Allocation of land for informal open space
- REC11- The Blackwater Rail Trail
- T2 – Transport Infrastructure in New Developments
- T4 - Cycle Routes

- T6 - Improvement to Pedestrian Facilities
- T7 - Shared car parking in new development
- T8 - Vehicle Parking Standards
- PU2 – Recycling Facilities in New Developments
- PU6 - Renewable Energy

#### **4.3 Maldon District Local Development Plan (LDP) submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- 4.3.1 The Maldon District LDP was submitted to the Secretary of State for Examination-in-Public (EiP) on 25 April 2014. At the initial Inquiry into the Maldon District Local Development Plan (the Plan) it was considered unsound as the then Inspector considered the then policy as it applied to Gypsy and Traveler provision was insufficient.
- 4.3.2 The LDP was then called in for consideration by the Secretary of State, with him communicating to the Council that the Plan in general was not unsound, scheduling a re-convened Hearing into the Plan in January 2017. The Council augmented its previous submitted appeal documents as requested by the Inspector and provided evidence on matters not covered by the original hearing, these being employment, retail, tourism, housing growth, provision of travellers, transport, the natural environment, design and climate change.
- 4.3.3 The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.
- 4.3.4 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28 April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his report. His report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.
- 4.3.5 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focused consultation and no new matters previously not examined, or matters already examined, will be considered by the Inspector.
- 4.3.6 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.
- 4.3.7 The following policies are considered relevant to this application:
- S1 – Sustainable Development
  - S2 – Strategic Growth

- S3 – Place Shaping
- S4 – Maldon and Heybridge Strategic Growth
- 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
- D4 – Renewable and Low Carbon Energy Generation
- D5 – Flood Risk and Coastal Management
- E3 – Community Services and Facilities
- H1 – Affordable Housing
- H2 – Housing Mix
- H3 – Accommodation for Specialist Needs
- H4 – Effective Use of Land
- N1 – Green Infrastructure
- N2 – Natural Environment, Geodiversity and Biodiversity
- N3 – Open Space, Sport and Leisure
- T1 – Sustainable Transport
- T2 – Accessibility
- I1 – Infrastructure and Services
- I2 – Health and Wellbeing

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

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Guidance (NPPG)
- Infrastructure Delivery Plan
- Any relevant evidence base documents as identified and in support of the LDP

## **5. MAIN CONSIDERATIONS**

### **5.1 Site Description**

- 5.1.1 The site measures 3.24 hectares (ha) in total. The site comprises of a car parking area with football ground facilities including changing rooms, turnstiles, toilet and food facilities in the north section of the site with the main football pitch and stadium area centrally located within the site. Around all four sides of the football pitch are spectator terraces and a small seating area. To the south of the stadium there are football pitches extending to the southern site boundary.
- 5.1.2 To the north of the site is Scraley Road with arable fields beyond, to the east is a narrow strip of Council owned land which leads to the rugby pitches to the south of the site. Further to the east are a series of lakes. To the western site boundary are

residential properties in Willow Walk, Larch Walk and Scraley Road as well as Heybridge Primary School. A row of poplars stand along this boundary.

## **5.2 Relocation of the existing football club**

- 5.2.1 The 'Planning Statement' provides a history of recent alternative considerations for relocating the football club. It identifies that the current stadium has been used as the home ground for the football club since the early 1960's and has a capacity for 3000 spectators but does not meet current Football Association (FA) standards.
- 5.2.2 A number of alternatives have been considered by the football club and the 'Planning Statement' states that in 2006 the club considered a ground share with Maldon Town Football Club but this was not possible due to 'a lack of funds to aid the relocation' and due to difficulties with relocating the boys club and sharing with the boys club for Maldon Town Football Club. Another site for the relocation of the ground was considered on land to the north of Scraley Road but this land is under a long-term option for Persimmon Homes and could not provide a viable opportunity due to the valuation of the site and the incompatibility with plans to develop the site. That site was formerly identified as a 'Reserve Site' in the submitted LDP prior to its omission following the LDP Inspector's advice at the Examination in Public in January / February 2015. The 'Planning Statement' also explains that all remaining land to the north of the Heybridge village boundary is part of a long term commitment to housing as the North Heybridge Garden Suburb. The 'Planning Statement' states that all land to the south of Goldhanger Road from the cemetery in Heybridge Basin was to be considered, initially for purchasing and then instead for leasing but landowners decided against this and withdrew from discussions. Other sites were then considered to the east of the current ground with one further to the east along Scraley Road having to be discounted due to access restrictions, sustainability and with the site being adjacent to a nature reserve. The 'Planning Statement' advises that the site for the proposed football ground is the only piece of land where the existing landowner is willing to sell to the Swifts and is therefore proposed for this development.

## **5.3 Loss of Sports Playing Pitches**

- 5.3.1 LDP policy N3 and Section 8 of the National Planning Policy Framework (NPPF) are relevant. Paragraph 74 of the NPPF advises that existing open space, sports and playing fields should not be built on. The site is defined as FB03 in the LDP and alongside policy N3 development should not increase existing deficiencies of sports facilities in the locality. Proposals that would result in the loss of sports grounds / facilities will only be considered where alternative and improving provision can be created in the most appropriate and accessible location in the locality for existing and future users. The proposed relocation of the football club to the Land East of Drapers Chase to the north of Goldhanger Road would provide a new sports ground / facilities. Therefore, if approved, there would be no loss of sports ground/facilities, which are in private ownership belonging to the football club so in terms of the existing and proposed the existing football ground site is not sports facilities that are accessible to the public. The key LDP policy N3 test for the application at Land East of Drapers Chase to the north of Goldhanger Road is whether the new site is the 'most appropriate and accessible location in the locality for existing and future users'.

- 5.3.2 The LDP does not include a site for the relocation of the football ground, just allocating the site as a strategic housing site.
- 5.3.3 Sport England are a statutory consultee where development is proposed on existing sports facilities, the onus being on replacing and ensuring the provision of like for like facilities, or upgraded facilities, on adjacent sites. Sport England has provided support to officers in considering this submission. If the ground is lost and no further provision is provided through a legal agreement enabling the phased redevelopment of alternative facilities then an objection is raised. The applicant's submission makes reference to there being an agreement to provide the new facility but a requested awaited legal agreement to secure this in perpetuity has not been submitted. Without this the development cannot assure the replacement sporting facility and hence the development is fundamentally flawed.

#### **5.4 Principle of Development**

- 5.4.1 The proposal has been submitted ahead of the future adoption of the LDP which allocates this site for future development. The site is allocated in the LDP as Site S2(h) under policy S2 for development with a housing allocation of 101 dwellings. The site for the proposed football club's relocation at Land to the East of Drapers Farm is not allocated in the LDP for the football club and in fact there is no allocated site in the LDP for the football club's relocation.
- 5.4.2 The proposal for residential development represents the progression of one of the sites allocated in the LDP for housing development and would contribute towards the Council's housing land and longer term housing requirements over the plan period. The site is not included as one which contributed to the five year land supply calculation as the delivery of this site is dependent on finding an appropriate site for the relocated club to move to.
- 5.4.3 The latest position with the LDP is as set out elsewhere in this report. Since the Council commenced work on the LDP in July 2014 it has been working to 'invite and proactively encourage' housing applications in respect of strategic allocations to help address the current five year housing land supply position, there have been applications made to all LDP strategic sites with the exception of site S2(k) (north east of Burnham). Therefore ten of the 11 LDP sites have either received planning permission or are within planning application process. The Council submitted evidence at the recent LDP EiP that it has a strong robust deliverable housing land supply, providing evidence from the Council's records and through working with the proposed developers on the approved sites to show rates of housing delivery as the Council moves towards achieving its target of 310 dwellings per annum over the LDP period, until 2029. Officers are confident that the LDP will be found sound in Autumn 2017.
- 5.4.4 In the absence of a formally adopted LDP, which at this time is considered to represent significant material weight in considering planning applications, consideration must be given to the Maldon District Replacement Local Plan (RLP) which remains the statutory 'development plan' for this District with its 'saved' policies. Replacement Local Plan (RLP) policy S2 provides the strategic position for the District through defined development boundaries for villages / urban areas within the District and seeks to protect areas outside of defined development boundaries

from new development in the interests of protecting the countryside and coastal landscapes of the District, although in this instance the existing Heybridge Swifts site represents previously developed land on the edge of the countryside. RLP Policy S1 permits development within the existing defined development boundaries. RLP Policy H1 does not allow new housing outside development boundaries unless it complies with other policies in the Local Plan. This application proposal is contrary to RLP policies S2 and H1 because the site is located outside of the nearest defined development boundary of Maldon. However, although the LDP has not yet been adopted material weight can be given to the LDP policies in accordance with paragraph 216 of NPPF, which advises that the ‘more advanced the preparation of the Plan the greater the weight that may be given’. The LDP is considered to be at an advance stage of the Local Plan preparation.

- 5.4.5 Taking all these factors into account and as a Strategic Growth site as allocated through LDP policy S2 it is considered that the principle of development is acceptable, however this is caveated that to make it so the principle of enabling the development of an alternative sporting facility has to be assured. All other material considerations are assessed through this report.

## **5.5 Location Assessment**

- 5.5.1 RLP policy T2 and submitted LDP policy T2 refer to access requirements which are applicable to assessing the location of development. Paragraph 34 of the NPPF advises that decisions ‘should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’. Moreover, paragraph 37 of the NPPF states that ‘planning policies (and hence planning decisions) should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities’. The NPPF also requires local planning authorities to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 5.5.2 The site has been identified in the submitted LDP as a strategic allocation as it is adjacent to the defined development boundary for Heybridge. Heybridge village centre is within walking and cycling distance from the site where there are a range of facilities, services and community uses. Colchester Road is <400m walk from the site where there are bus stops for access to services to Maldon, the wider District, Witham (for rail connections) and Colchester. The site has good access to the road network. The site is considered to be a sustainable location as far as its location is concerned.

## **5.6 Place Shaping and Strategic Growth**

- 5.6.1 LDP policy S3 states that the Garden Suburbs and Strategic allocations at Maldon, Heybridge and Burnham-on-Crouch will be planned as high quality, vibrant and distinctive neighbourhoods that will complement and enhance the character of the District and protect and enhance the environmental qualities of the surrounding area. LDP policy S4 identifies the key infrastructure requirements for the Strategic Allocations, which includes this site. These requirements are considered through the application process.

## 5.7 Housing Land Supply, Mix and Affordable Housing

- 5.7.1 The LDP allocates this site for 101 dwellings which would be delivered in the Plan period but is not envisaged to provide the development in the current five year housing land supply. However, since then this application has been submitted and the agent's 'Planning Statement' demonstrates that this site would contribute to the five year housing land supply.
- 5.7.2 At this time it is estimated that the available 5 year housing land supply exceeds 6 years supply when all the sites which have been approved by Council or at appeal are considered since the LDP commenced in 2014. Having looked at this it is not considered that the later delivery of this site within the plan period would in any way prejudice the LDP nor available 5 year housing land supply.
- 5.7.3 Paragraph 50 of the NPPF requires local authorities to 'plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community' and 'identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand'.
- 5.7.4 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. The latest version of SHMA is the September 2014 update.
- 5.7.5 The Council's Strategic Housing Market Assessment (SHMA) identifies that for all housing types one and two bedroom units are required to balance the District's housing stock as there is an unbalanced number of large dwellings. This is particularly relevant for affordable housing units where one and two bedroom units are in demand and where there is inadequate supply. For the market sector housing the SHMA's 'Executive Summary' identifies there is also a demand for one and two bedroom units for 60% of market housing to be supplied with 40% of market units being 3 and 4 bedroom units. The SHMA, through the 'Current and Future Demand for Market Housing', identifies a demand for one, two and three bedroom units with a surplus of 4+ bedroom units.
- 5.7.6 The proposal identifies the following housing mix:

| Dwelling type          | Market    | Affordable                    | Total dwellings |
|------------------------|-----------|-------------------------------|-----------------|
| One bed flat           |           | 3                             | 3               |
| Two bed flat           | 0         | 3                             | 3               |
| One bed house          |           |                               |                 |
| Two bed house          | 4         | 13<br>(including 2 bungalows) | 17              |
| Three bed house        | 47        | 11                            | 58              |
| Four bed house         | 15        | 0                             | 15              |
| Five bed house         | 5         |                               | 5               |
| <b>Total dwellings</b> | <b>71</b> | <b>30</b>                     | <b>101</b>      |

- 5.7.7 When considering the ‘Current and Future Demand for Market Housing’ stated within the latest SMHA the stated need to for smaller dwellings in the market sector. Above mix differs from this seeking permission for 71 market dwellings. Of this only two would be shown as being 2 bed units hence qualifying as smaller units. This is to address the unbalance as identified in the SHMA. Developers are expected to bring forward proposal which reflect demand in order to sustain mixed communities therefore it is reasonable to provide smaller units. These are not provided here.
- 5.7.8 As for affordable housing 30% would be provided and the mix of units is as shown above.
- 5.7.9 Paragraph 50 of the NPPF requires affordable housing to be provided where needed and LDP policy H1 requires 40% affordable housing for this Strategic Allocation. The current adopted RLP policy also requires 30% affordable housing.
- 5.7.10 The applicant has provided a statement entitled a Viability Assessment which identifies the scheme is ‘capable of delivering 30% affordable housing’ but this is subject to amendments to the S106 obligations from that proposed within the LDP but neither the Viability Assessment or Planning Statement explicitly state what amendments would be made. It is also stated that 20% of the affordable housing would be provided for elderly dwellings.
- 5.7.11 This statement is grossly inefficient and lack any substantive detail and does not constitute the level of detail the Council would expect to show viability. What has to be considered here is that the housing development enables the provision of a new football ground therefore this has to be factored in when considering development costs. The applicants have been asked for this and this has not been submitted.
- 5.7.12 This represents a significant flaw in the submission. Without this the Council is unable to consider whether the scheme in totality is in any way viable and the submitted statement which proposes 30% affordable housing is in no way detailed whatsoever. Providing for or enabling a re-located football ground is an expensive proposition and for the applicant to say 30% affordable housing can be provided and submit no detailed evidence to show how this can be achieved it is impossible to inform members accurately.

## **5.8 Viability**

- 5.8.1 Paragraphs 173 to 177 of the NPPF advise on viability and deliverability. The application has been subject to viability testing commissioned by the Council and the applicant has agreed to provide a policy compliant level of affordable housing and the infrastructure required to mitigate the impact of the proposed development.
- 5.8.2 As has been set out above the applicants have been asked for detailed viability information and this has not been forthcoming. As such it is correct to assume that paragraphs 173 and 177 of the NPPF have not been complied with to the schemes detriment.

## **5.9 Layout, Scale, and Design and Impact on Character and Appearance of the Area**

5.9.1 LDP policy D1, D2, S4, I1, N1, N3, T1 and T2 are all relevant. RLP policy BE1, CC11, REC3 and T2, and Section 7 of the NPPF are all relevant.

### **5.9.2 Layout**

5.9.2.1 The proposed layout of the development has many dwellings fronting the road but also dwellings set back and behind other dwellings with associated car parking areas. Fronting the northern boundary with Scraley Road five houses although the existing tree and hedgerow boundary treatment screens these properties and they would be accessed via their own private access. Along the internal road a number of properties would have private gardens backing onto neighbouring primary school. Another property appearing at the site entrance would be located in the north east site corner. There are number of properties shown in close proximity to the eastern site boundary and these would rely on the openness of the site the east, which is within the Council's ownership. Similarly the proposed siting of dwellings in the south west corner would also be in close proximity to the Council owned land which is used as rugby pitches. The proximity of both these rows of properties needs refinement by setting the buildings back to allow for landscaping to be provided.

5.9.2.2 A line of properties on the east are too close to the eastern boundary and rely upon the site to the east to remain open when this land is outside of the applicant's control. This is also used for car parking purposes so is likely to result in a future conflict between users and residents. This area of the layout needs to be revised. Planting was proposed hereto soften the development edge, but this was on land outside the appellants ownership and control

5.9.2.3 The properties to the south are too close to the southern boundary against giving a hard edge to this edge of rural location. Here there are rugby pitches which could result in rugby balls impacting upon these properties. This area needs to be revised.

5.9.2.4 The layout shows a lack of open space and a reliance upon the open space being used for SUDS purposes. An area of land outside the site was allocated as a Local Equipped Area for Play (LEAP), again on land not in the appellant's control. Provision of or a contribution to a LEAP on or within 400m of the site must be made, and has not been.

5.9.2.5 The Senior Urban Design Officer in consultation considers that 'whilst it has been demonstrated that 101 dwellings could be accommodated on the site, this is to the detriment of the interface between built form and the natural landscape. The proposal does not integrate successfully with the given context due to its scale and landscaping on the eastern boundary of the application site'.

### **5.9.3 Density**

5.9.3.1 The proposed gross density for the development of the entire site is 32 dwelling per hectare but this is a gross density includes all elements of the proposal such as areas of open space, roads and car parking areas. The net density would be 36 dwellings per hectare based removing the open space areas from the development. This is an edge of urban area development where the transition of built form into the wider open

countryside is a key material consideration. The development edge as proposed stands hard up to what would be an open site boundary and gives reason for objection.

#### 5.9.4 Scale, Design and Materials

5.9.4.1 The scale of the development comprises of two (9.5m), two and half (10.3m) and three storey (11.9m) dwellings in a variety of arrangements amongst a series of different house types using a range of materials and variations in colour that help add interest to the built form. Although the proposed flat blocks take the upper floors as in dormers they are considered to represent a three story block of development. The design of the buildings includes features such as gables, canopies, recessed areas, chimney stacks and balconies. The materials include brick, render, weatherboarding and the choice of a grey or light brown roof tiles. Boundaries would be finished with close boarded fencing for most side and rear garden treatment, brick walls are also proposed along with knee high metal railings and 1m high railings to the front boundary of dwellings. Generally the use of the proposed boundary treatment is acceptable but on areas along the eastern and southern boundaries no 1.8m close boarded fencing should be used.

5.9.4.2 The existing local area surrounding development is characterised by more traditional dwellings up to two storeys in height, aspects of this development at what is practically three storey in height are considered excessive in scale to the detriment of the character of the local area on a rural edge.

#### 5.9.5 Levels

5.9.5.1 The proposal involves increasing the ground level across the site by 800mm and this would have implications upon the appearance of the development and particularly from areas immediately outside the site as buildings would project higher than existing neighbouring dwellings. The raising of the ground levels is to ensure the finished floor levels of dwellings would be no lower than 5.37m AOD (Above Ordnance Datum) to be above the 1 in 200 year flood level of 5.07m taking into account climate change but also to allow for Sustainable Urban Drainage Systems (SUDS) features to be created within the development. The topographical plans shows the highest part of the site is 7.74m AOD in the north east corner of the site dropping to 4.81m AOD in the south east corner. Taking this into account means that the dwellings in the south east corner of the site would be 5.91m finished floor level that is 4.81m plus 0.8m ground level rise and taking into account the finished floor levels being 0.3m above the raised ground level.

5.9.5.2 The streetscene elevations along the boundaries do not show the ground increase differences. Properties along the southern and eastern boundary at 0.8m higher would represent a significant change and impact upon the areas of open space by virtue of the scale of the development a close proximity to the boundary.

### 5.10 **Impact on Residential Amenity**

5.10.1 LDP policy D1 along with RLP policy BE1 considers residential amenity.

5.10.2 The nearest residential properties are those located along the western boundary. These include 16 dwellings along Willow Walk which have front elevations facing

the site and therefore have an outlook towards the existing football ground although the outlook faces towards fencing, vegetation and the western spectator stand of the Heybridge Swifts current stadium. There are habitable rooms in the front elevations of these 16 dwellings at ground and first floor level. Given the relationship of the plans as amended this relationship is considered to no give rise to unacceptable levels of overlooking and overshadowing.

- 5.10.3 Where the site meets the existing urban edge on the western side dwellings either face or flank onto existing dwellings. This height compared with the site at this time means that the impact on enjoyed outlook would not be seriously compromised. It is not considered that although outlook will change the new development would cause unacceptable levels of overlooking or be overbearing to the neighbouring dwellings. Notwithstanding this the eastern edge of the development, although outward looking is considered to give a very hard edge of urban edge to the development.
- 5.10.4 The proposed development would allow for some open space, private garden areas, and car parking areas along the location of the existing western spectator stand as well as three notable building blocks.
- 5.10.5 The land to the east of the site is owned by the Council although this land is open space it is used for car parking purposes for the rugby club which uses the fields to the south of the site. The development places a reliance upon the land to the east being retained as open space in the future and whilst this arrangement creates a frontage to the development these properties would be only be 3m from the eastern site boundary. Future occupiers of these dwellings would have a longer view outlook from their habitable rooms across this land towards the fishing lakes site further to the east. However, when the open space area is used for car parking purposes this would have an impact upon the future occupiers of these dwellings and would affect their amenities. It is considered that these properties need to be set back within the site for amenity reasons but also to improve the proposed development's relationship with the neighbouring open space by introducing landscaping in this area.
- 5.10.6 Details of how a ball catching system could be used are reliant on the adjacent landowner this being Maldon Council, and works to secure this could be provided through a legal agreement. A legal agreement has not been submitted.

## **5.11 Landscaping, Open Space and Play Space**

- 5.11.1 Landscaping is considered through Section 11 – Conserving and Enhancing the Natural Environment of the NPPF; RLP policy BE1 and LDP policy D1.
- 5.11.2 A landscaping strategy seeking to obtain a number of character objectives is detailed in the Design and Access Statement which seeks to retain the existing landscaping at the northern boundary with Scraley Road and create a number of green space areas within the site, although these areas represent small areas of space and are located adjacent the internal road through the site with many of these incorporating SUDS features. Adjacent to Willow Walk small scale tree planting, hedging around small informal amenity spaces with mown lawn would be created.
- 5.11.3 The Countryside and Coast Officer has commented that the landscape strategy and is concerned over the urbanizing effect on the boundary with Drapers Farm recreation

open space to the south. Along the western boundary the Countryside and Coast Officer considers that a significant number of poplars are to be removed and not replaced. An appropriate range of smaller, flowering, native trees should be included along the western boundary such as cherry, hawthorn, hazel, holly and rowan for. The Countryside and Coast Officer considers that a detailed Landscape Masterplan needs to be provided at an appropriate scale to show the exact provision of all hard and soft landscape features, rather than the current graphic.

- 5.11.4 In terms of open space the scheme proposes 0.36ha of Public Open Space and amenity land. The Countryside and Coast Officer advises that the Maldon Green Infrastructure Study (2011) identifies that the current standard of local parks is 1.16ha per 1,000 population and 0.12ha of neighbourhood amenity spaces (page 19). It also recommends that the current level of local parks and neighbourhood amenity spaces should be maintained. As the proposal is for 101 dwellings with an estimated 3.37 persons per dwelling an estimated 350 people will occupy the scheme, an estimated 0.45 ha of public open space should be provided in order to maintain the local standard. The proposed open space is provided in several small blocks of <450m plus some narrow slivers of amenity land and this would also be used for SUDS purposes. It is not clear whether this land would be permanently or regularly filled with water.
- 5.11.5 The Maldon District Children's Play Strategy requires that a LEAP is provided for new developments within 5 minutes walking time of home. This should have a minimum activity area of 400m<sup>2</sup> with five play types, safer surfacing and appropriate seating, signage and litter bins. There are currently no play spaces within 400m of the site. If the applicant is not able to accommodate the LEAP onsite then the Countryside and Coast Officer would be prepared to accept a contribution to facilitate the construction and maintenance of a LEAP and enhancement of land currently used for parking by the rugby and cricket clubs, on land in Maldon District Council (MDC) control adjoining the eastern boundary. This would need to be secured as planning obligation through a S106 agreement. No such agreement has been provided.
- 5.11.6 The Countryside and Coast Officer advises that Local Areas for Play (LAP) should be provided in the amenity spaces onsite, ideally within 100m of each proposed residential unit as recommended by Fields in Trust. LAPs require an activity zone of 100m<sup>2</sup> and a LAP would not be compatible with the SUDS features but it may be possible to integrate the two with suitable precautionary measures and mitigation.
- 5.11.7 The Countryside and Coast Officer considers that the Heads of Terms should make allowance for the setting up of a Management Company to manage the open space, play spaces, proposed and existing landscaping and trees and SUDS (as appropriate). If the LEAP is to be provided offsite, a suitable planning contribution needs to be agreed.

## **5.12 Private Amenity Space**

- 5.12.1 NPPF Section 11 – Conserving and Enhancing the Natural Environment; RLP policy BE1, LDP policy D1 and the Essex Design Guide, which is supplementary planning guidance.
- 5.12.2 The Essex Design Guide (EDG) (1997 version) forms supplementary planning guidance (SPG) requires private amenities spaces as follows:

- Houses of one or two bedrooms need a minimum of 50m<sup>2</sup>
- Houses of three or more bedrooms need a minimum of 100m<sup>2</sup>
- Flats of two or more bedrooms (which may be occupied by households with children) communal residential gardens must be provided on the basis of a minimum area of 25m<sup>2</sup> per flat.

5.12.3 For flats the Essex Design Guide (EDG) states that communal amenity space must contain a sitting out area that receives sunshine. Unusable strips of space between car parks or roads will not count as communal amenity space. In addition, balconies may provide outdoor amenity space and where a balcony is more than 5m<sup>2</sup> this will count towards provision. Similar provision is also welcomed for one bedroom flats, although it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. In this instance the application site is not located in a town centre or a core area but adjacent to the village settlement boundary of Heybridge and therefore communal amenity space and balconies are required for the future occupiers of the flatted development.

5.12.4 The layout plan shows that some dwellings within the proposed development would provide private amenity space that would comply with the EDG and in some instances where this would be barely met. Of particular concern are the dwellings along the western boundary where some degree of land raising is proposed. Here although minimal standards are met the garden areas appear contrived and the usability to the entire space is called into question.

5.12.5 Whilst garden sizes are either at or slightly in excess of standard, this does mean that the development has an overall cramped feel, certainly not one which is appropriate on and edge of rural countryside location to its detriment.

### **5.13 Landscape and Visual Impact**

5.13.1 LDP policies N2, D1 and RLP policies CC6 and CC11 are all relevant along with sections 7 and 11 of the NPPF. In terms of the 2006 Maldon Landscape Character Assessment the site falls within 'D2 – Maldon Drained Estuarine Marsh' and this provides the baseline landscape character for this area. The key characteristics identify this area as a drained coastal marsh landscape now isolated from tidal influences, hedgerows, isolated farmsteads and the urban / suburban influence of Maldon on eastern edges of the character area. This landscape character area has a high sensitivity to change.

5.13.2 The site is currently used by Heybridge Swifts football club in the form of the main pitch and stadium, the training pitches to the south of this and the car parking area and club house buildings and facilities to the north bordering Scraley Road. To the west is the village of Heybridge, to the north the rural countryside, immediately to the east and south are Council owned sites that used for open space.

5.13.3 The impact of the overall development upon the landscape has been assessed through a Landscape and Visual Impact Assessment (LVIA) submitted with the application. The LVIA follows the guidelines and assessment criteria set out in the 'Guidelines for Landscape and Visual Impact Assessments' publication referencing the testing use

through the ‘sensitivity’ of landscape or visual receptors and the ‘magnitude’ of change leading to a ‘significance of impact’ assessment.

- 5.13.4 The LVIA recognises that the ‘Landscape Baseline’ which comprises of a landform that is flat drained coastal marshland and the land is used as the football club ground. There is vegetation to the northern and western site boundaries in the form of trees and hedging. The ‘Visual Baseline’ explains that the site is visible from the north although screened by the existing vegetation on the boundary, visible from the east and south which are areas of open space. The site is visible from the primary school and a number of residential properties adjacent the western site boundary.
- 5.13.5 In terms of the landscape impact the LVIA judges there to be no adverse impact due to the site’s current use as developed land. The proposal would result in the loss of mature poplar trees along the western boundary, but the Tree Officer advises that these are trees are not worthy of retention or tree protection.
- 5.13.6 In terms of the visual impact LVIA has considered the impact from a number of receptors including the dwellings along the western boundary but the impact upon these properties and the amenities of the occupiers is considered in the section below. Other receptors include the users of the open space to the east and south, and from the school grounds to the west. None of the receptors would experience any long terms significant impacts in LVIA terms but would experience a ‘minor adverse impact’ in the short term over the construction phase of the development. The LVIA considers the overall visual impact would be a beneficial one for the properties along the western boundary who currently face fencing, stands, car parking and floodlighting.
- 5.13.7 A scheme of this size should be accompanied by a landscape appraisal or assessment to demonstrate understanding of the site in relationship to its landscape / townscape setting carried out by a suitable landscape professional. For instance, building on the existing football ground will impact on views from Draper’s Farm recreation ground to the wooded hills north of Maldon and the likely effect or significance of this is not recorded. An LVIA has been submitted but its methodology and content are questioned. A number of “wire frame” drawings have been provided to seek to show the impact of the development but these are considered insufficient at this time.

#### **5.14 Access, Parking and Highway Safety**

- 5.14.1 RLP policies T2, T6, T7, T8, LDP policies T1 and T2 and Section 4 of the NPPF. The Maldon Vehicle Parking Standards (VPS) forms supplementary planning guidance.
- 5.14.2 Access to the site would be through a new access created along Scraley Road in the north east corner of the site. The existing access arrangement from the north west corner of the site would be closed up for vehicle traffic but would be revised to create a 2m wide footpath linking to the existing footway along Scraley Road. From the existing access the footpath would lead into the site and in front of the properties on Scraley Road to the southern side of the existing landscaped northern site boundary connecting to the footway along the access road into the site.
- 5.14.3 The new vehicle access would form a ‘T’ junction onto Scraley Road. From the access the main internal road through the site would be 5.5m wide with footways on

both sides of the road. Along the internal road there would traffic calming areas installed with shared surface finishes. Car parking areas within the development will all link to this internal road. The Highways Authority raise no objection to the provision of this access.

- 5.14.4 Additional footpath linkages would be provided through two footpaths at two locations from the western boundary into Larch Walk. There would also be two footpath links from the eastern boundary into the areas of open space where another footpath is shown within the open space land which is under Council ownership and if a path is proposed this would need to be funded by the developer. The applicant has no control over neighbouring land and no S106 enabling this has been provided
- 5.14.5 The site's sustainable location means that community uses, services and facilities within Heybridge village centre can be accessed by a range of sustainable transport modes including walking and cycling. The nearest bus stops are located in Colchester Road offering links to Colchester, Witham, Tiptree, Maldon / Heybridge (for further connections) and a number of locations within the District. A Residential Travel Plan has been submitted in support of the application which seeks to reduce car journeys and promote sustainable forms of transport.
- 5.14.6 The proposal would lead to a change in use of activity associated with the site. Currently the football ground site is used at weekends and evenings in the week for football matches and training sessions. Outside of these times, for instance, during the daytime during the week the site is not used. The activity associated with a residential site would be a use that could involve people entering and leaving the site 24 hours a day although a residential use usually is most active during the mornings and evenings in the week. The Transport Assessment submitted with the application demonstrates that the proposal would have 'minimal impact on the local highway network' as there is capacity within the highway and at nearby road traffic junctions to accommodate the traffic flows associated with this development.
- 5.14.7 The proposal seeks to extend the 30mph speed limit further east along Scraley Road past the access into the site. This would be subject to a Traffic Regulation Order to be considered by Essex County Council (ECC) Highways outside of the scope of the planning application.
- 5.14.8 Vehicle parking is assessed against the requirements of the Maldon VPS. For a residential development maximum car parking standards are applied for a maximum of one space for a one bedroom unit, a maximum of two spaces for a two / three bedroom units and a maximum of three spaces for a four bedroom plus unit. The VPS requires visitor parking spaces per four dwellings. The level of parking in parking courts, garages and car ports in terms of parking spaces per unit is acceptable.
- 5.14.9 The Maldon VPS requires two cycle parking facilities for two bedroom plus units and one space for one bedroom units and one space per eight units for visitors. The proposed cycle parking provision relies on the 38 garages for providing secure and covered cycle parking arrangements. The Transport Assessment refers to a 'minimum of one secure covered space per dwelling will be provided', however, nothing is not shown on the plans to demonstrate cycle parking provision for the dwellings that do not have garage provision. This is unacceptable as every property needs to have

access to a secure and covered cycle parking facility. This can however be assured by planning condition.

## **5.15 Flood Risk and Surface Water Drainage**

- 5.15.1 LDP policy D5 provides local drainage considerations and encourages the use of SuDS and flood response plans, LDP policy D2 seeks to minimise pollution prevention along with section 10 of the NPPF and the guidance contained within the Planning Policy Guidance (PPG).
- 5.15.2 The majority of the site is located within the lowest risk flood zone (flood zone 1) as identified on the Environment Agency flood maps. This means that the development is 'appropriate' for this flood zone and there is no requirement to apply the Sequential Test or Exception Tests to areas of the site that are in flood zone 1, and also because the site is a strategic allocation so would have been sequentially considered from the Local Plan preparation. In the south east part of the site there is a small area within flood zone 2, which is a medium risk area. Based on the layout plan about 8 dwellings would fall within this flood zone 2. As a 'More Vulnerable' use and based on the Flood Risk Vulnerability Classification table in the PPG development is 'appropriate' in this flood zone without the need to apply the Sequential Test, because it is an strategic allocation, and there is no requirement to apply the Exception Test.
- 5.15.3 The 'Flood Risk Assessment' (FRA) identifies that the highest part of the site is 7.74m AOD in the north east corner of the site dropping to 4.81m AOD in the south east corner of the site. The site currently drains towards the south east corner of the site during in periods of heavy rainfall. There is an Anglian Water surface water sewer that runs parallel to the western site boundary which runs south near to Wagtail Drive 150m south of the site. There has been a history of land drainage and flood history incidents with the drainage infrastructure near Wagtail Drive through blocked culverts and increased surface water flows. This has now been resolved through the implementation of two attenuation ponds on land adjacent to Wagtail Drive, which was granted planning permission through reference FUL/MAL/15/00944 on 20 November 2015. The geology is formed of mainly London Clay which has a poor permeability but there are areas of the site which has silt, gravel and sand, which are permeable strata.
- 5.15.4 In terms of flood risk, the FRA identifies the nearest main river is called Spicketts Brook which is located south of the site and this drains in the River Blackwater and as the site is within flood zone 1 it is at low risk of fluvial flooding. The River Blackwater is tidal but is defended by a sea wall in this area with existing development located much closer to the sea wall than this site. Breach simulation modelling has been carried out in the event of the overtopping of the sea wall or a breach in the sea wall defences and this shows the whole site is above the 2007 1 in 200 breach level but taking into account climate change the same simulation in 2017 indicates that the south east corner of the site could flood up to 0.5m but the time for the site reach this level would be 15 hours of inundation. There are many other properties that would be affected first and through flood warning measures the site would be evacuated if a breach scenario were to occur. Accurate weather and tidal systems can predict such events in advance of their occurrence.

- 5.15.5 For surface water there are no significant falls within the site and any overland flow would descend towards the south east corner of the site. There are no significant flood risk issues presented by groundwater, sewer or reservoir flooding.
- 5.15.6 With regard to surface water management, the entire site would be raised in ground level by 0.8m and the finished floor levels of dwellings would be no lower than 5.37m AOD to be the above 1 in 200 year flood level of 5.07m taking into account climate change. The 'Surface Water and Foul Drainage Strategy' seeks to replicate greenfield run off rates through a SuDS scheme. This will include 4 infiltration basins to manage surface run off from the access road through the site with each basin assuming a depth of 1m. A cellular soakaway system positioned 5m away from the building will manage surface water run-off from the roof. Pervious paving is proposed for the private access roads and parking spaces covering an area of 600m<sup>2</sup> with a sub-base thickness of 400mm required for attenuation storage. Filter drains would be used along the western site boundary to prevent run off leaving the site. The surface water sewers will be offered to Anglian Water for adoption and the rest of the drainage infrastructure would be offered to the Essex County Council (ECC) Flood and Water Management Team (SUDS team).
- 5.15.7 ECC Flood and Water Management Team (SUDS team) have no objections subject to conditions regarding the following information to be submitted and approved; a detailed surface water drainage scheme; a scheme to minimize the risk of offsite flooding caused by surface water run off; details of a maintenance plan and detailed yearly logs of maintenance undertaken in accordance with the Maintenance Plan.

## **5.16 Foul Drainage and Water Supply**

- 5.16.1 LDP policy D5 provides local drainage considerations, LDP policy D2 seeks to minimise pollution prevention along with section 10 of the NPPF and the guidance contained within the PPG.
- 5.16.2 The 'Surface Water and Foul Drainage Strategy' shows there is no public foul sewers in Scraley Road or in close proximity to the existing site buildings. The applicant has engaged with Anglian Water prior to the application submission to identify a connection point at a manhole at the junction of Scraley Road, Colchester Road and Broad Street Green. A pumping station is required due to the ground level falling from a north to south direction. Anglian Water has no objection to the application.
- 5.16.3 In terms of water supply, Essex and Suffolk water has no objections to the application.

## **5.17 Impact upon Heritage Assets**

- 5.17.1 RLP policies BE13, BE16, BE18, LDP policy D3 and Section 12 of the NPPF.
- 5.17.2 The nearest listed building is the cottage at Drapers Farmhouse approximately 260m from the site and the nearest Conservation Area is the Heybridge Conservation Area at approximately 530m from the site. The Conservation Officer advises that neither of heritage assets would be adversely affected by the proposed development.

5.17.3 With regard archaeology, the 'Archaeology Desk Based Assessment' identifies the potential for Neolithic, Bronze Age, Iron Age and Roman, Anglo-Saxon and early Medieval findings on sit. The Conservation Officer recommends planning conditions regarding an Archaeological Assessment and an Archaeological Fieldwork Programme to be submitted, approved and implemented.

## **5.18 Biodiversity and Ecology**

5.18.1 LDP policy N2, RLP policy CC5 and NPPF section 11 are all relevant considerations.

5.18.2 The application site is within close proximity to a European designated the Blackwater Estuary Special Protection Area (SPA), Ramsar site, Special Area of Conservation (SAC), and also at a national level is the Blackwater Estuary Site of Special Scientific Interest (SSSI). These areas are approximately 1km to the south east of the site. Natural England considers that the proposal 'is not likely to have a significant effect' on these areas.

5.18.3 The application includes a Phase 1 Habitat Survey and Phase 2 Ecological Survey and Assessment. These show that consideration has been given to the impact of the development upon bats, badgers, reptiles, hedgerows, breeding and wintering birds. This site is currently developed so unlike the proposed new football ground site it does not offer the same ecology habitats and foraging routes found within the proposed football ground site.

5.18.4 For bats the 'Phase 2 Ecological Survey and Assessment' shows there were no evidence of roosts but activity surveys indicate 'low levels of foraging by a small number of bats' but this appears on the site boundary areas. To mitigate a lighting strategy could be conditioned for the new development and the removal of the existing floodlights would reduce the amount of light during dark periods. There are no details regarding the lighting strategy for the development so this will need to be conditioned.

5.18.5 For badgers the 'Phase 2 Ecological Survey and Assessment' observed low levels of foraging of badgers along the eastern site boundary but no setts and the proposal would have 'no adverse impact'. Note all of existing eastern boundary if fenced to security and for part of the boundary area includes one of the spectator stands.

5.18.6 Biodiversity Action Plan (BAP) Mammals are the European hedgehog, brown hare and harvest mice but the 'Phase 2 Ecological Survey and Assessment' considers the existing developed site to have 'poor habitat' for BAP mammals. The mitigation measures include cut outs in fences to allow for any BAP mammal movement.

5.18.7 For reptiles surveys were undertaken in Spring 2015 and found a small population of common lizards on site along the eastern boundary. The mitigation recommended is for habitat manipulation to encourage reptiles to move into the wider landscape and erect reptile fencing to exclude reptiles from the site during the construction period.

5.18.8 As an existing developed site the likelihood of breeding bird assemblage is low but the mitigation recommends retention and enhancement of hedgerows and tree line habitats along with bird nesting boxes.

- 5.18.9 The Countryside and Coast Officer advises that all precautionary, mitigation and enhancement measures should be enforced through condition should the scheme gain planning approval.

## **5.19 Health**

- 5.19.1 LDP policies S4, I1 and I2, RLP policy PU4 and NPPF Section 8 are all applicable. The NHS have provided a consultation response explaining that they do not object to the application but require a financial contribution towards additional healthcare services for both the Longfield and Blackwater medical centres. The requirement is for £34,280. The 'Planning Statement' includes a section on 'draft heads of terms' and identifies that the applicant is willing to make a financial contribution towards health requirements. This will be achieved through a S106 agreement.

## **5.20 Education**

- 5.20.1 LDP policies S4, E3, E6 and I1. RLP policy PU1 and NPPF Section 8 are all applicable. LDP policy S4 requires a new one form entry primary school, two new 56 place early year and childcare facilities a contribution towards the expansion of the Plume School (secondary school) and provision for youth and children's facilities. Due to the 'pooling' restrictions which are set out Regulation 122 of the Community Infrastructure Levy Regulations limiting a maximum of five developments towards one piece of infrastructure this site cannot contribute towards the Plume School but for the new one form entry primary school, two new 56 place early year and childcare facilities and provision for youth and children's facilities the site can contribute.
- 5.20.2 The 'Planning Statement' includes a section on 'draft heads of terms' and identifies that the applicant is willing to make a financial contribution towards education requirements.

## **5.21 Refuse and Recycling**

- 5.21.1 LDP policy D2, RLP policy PU2 and NPPF paragraphs 120 to 122 are all applicable. The layout plan shows that refuse and recycling vehicles can access all bin collection points and properties along the roadside within the site.

## **5.22 Air Quality**

- 5.22.1 LDP policy D2, RLP policy BE1, NPPF paragraph 124 and the PPG are all applicable. There is no information submitted regarding air quality for the proposed site but this presents an opportunity for the inclusion of air quality mitigation measures such as electric vehicle charging points. Such air quality mitigation measures have been conditioned on other major planning applications in the area and are recommended by Environmental Health for this application.

## **5.23 Groundwork Surveys and Contamination**

- 5.23.1 LDP policy D2, RLP policies BE1 and CON6, NPPF paragraphs 120 to 122 and the PPG are all applicable. The land is currently used for the football club as the main football pitch within the stadium, training pitches to the south and a car park and club house buildings to the north. There is no requirement for remediation of the site

based on the 'Ground Investigation Report' submitted with the application, although Environmental Health considers that a contaminated land condition is required.

## **5.24 Construction Environmental Management Plan (CEMP)**

5.24.1 LDP policy D2, RLP policies BE1, NPPF paragraphs 120 to 125 and PPG are all applicable.

5.24.2 A 'Site Waste Management Plan' has been submitted to demonstrate how waste would be managed by the developer during the lifetime of the project. However, there is need for a Construction Environmental Management Plan (CEMP) to be provided though a planning condition to demonstrate the mechanism for mitigating adverse environmental impacts and managing the construction of the development. The CEMP will include the need for a site waste management plan, materials management plan, pollution prevent plan, water management plan, traffic management plan and emergency response plan. The CEMP will form a planning condition requiring the information to be submitted prior to the commencement of development.

## **5.25 Climate Change and Renewable Energy**

5.25.1 LDP policies D1 and D2, RLP policy PU6 and NPPF paragraphs 95 to 99 are all applicable and promote renewable energy. The proposal represents the opportunity to include renewable energy installations such as solar / photovoltaic panels, wind turbines, ground and air source heat pumps, micro Combined Heat and Power (CHP) and biomass boilers into the development. The proposal includes a 'Sustainable Design and Construction Energy Statement', however, this statement is dismissive of the range of energy uses that could be incorporated into the development. The statement explains that the development will meet Building Regulations through thermal fabric efficiency, air tightness and effective heating controls. The statement explains that photovoltaics, solar thermal, wind turbines, biodiesel, air source heat pumps and combined heat pumps are not feasible due to costs and limited space within the site. From this list it is considered that photovoltaics and solar thermal could be used for some of the proposed dwellings within the site.

## **5.26 Planning Obligations**

5.26.1 For applying planning obligations The Community Infrastructure Levy Regulations 2010 Regulation 122 (also stated in paragraph 204 of the NPPF) need to meet the following tests:

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

5.26.2 Planning obligations are required for affordable housing, a healthcare financial contribution, an education contribution towards early years / childcare and primary education, a financial contribution towards an off site LEAP within the area. The 'Planning Statement' offers draft heads of terms but these differ from the application requirements as only 30% affordable housing is being offered and at present there is

no agreement towards a financial contribution towards an off site LEAP within the area.

- 5.26.3 Despite request from officers to provide Heads off Terms to secure both affordable housing and delivery of the new football club such has not been forthcoming.

## **5.27 Environmental Impact Assessment**

- 5.27.1 The proposed development falls within ‘Schedule 2’ of the Environmental Impact Assessment (EIA) Regulations as ‘EIA development’. A request for a Screening Opinion was validated by the Council on 13 January 2012. The authority is required to adopt a “Screening Opinion” under Regulation 7 to assess whether the effects of the development would be significant as to warrant the submission of an Environmental Impact Assessment. In this instance it was determined that the impact of the development would not warrant the submission of an Environmental Impact Assessment in a decision dated 6 February 2012.

## **5.28 Sustainability**

- 5.28.1 Numerous LDP policies, RLP policies and paragraphs of the NPPF are relevant to this section and have been taken into account in consideration of the application.
- 5.28.2 Sustainability is a material consideration with the determination of this appeal and in terms of sustainability paragraph 14 of the NPPF applies the ‘presumption in favour of sustainable development’ and for decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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
    - specific policies in this Framework indicate development should be restricted.
- 5.28.3 To assist with the assessment of sustainability it is necessary to assess whether the proposed development is ‘sustainable development’ with regard to the three dimensions to sustainable development as defined in paragraph 7 of the NPPF, which are the economic, social and environmental roles.
- 5.28.4 Economically the proposed development would deliver housing in accordance with the site’s LDP allocation through policy S2. The construction of the development would bring employment opportunities in the construction sector for the duration of the construction phase of the development which is beneficial to the local economy. The introduction of further housing would increase the local population which would bring increased local expenditure from future residents to the benefit of the local economy using existing and new local services and businesses.
- 5.28.5 Socially the proposal would provide a supply of housing required to meet the needs of present and future generations. The creation of a new neighbourhood would promote

social cohesion. The development would be an extension of the existing settlement of Heybridge and would benefit new and existing residents.

- 5.28.6 Environmentally the impact of the development is questioned. Although this is allocated in the LDP for residential development for 100 dwellings, this figure is by no means prescriptive. Any application must be able to prove that the level of housing proposed fits in with the existing edge of rural area environment. It is considered on balance that this development fails to do this. The development is considered overtly contrived and the applicants have failed to show how this sensitive rural edge can accommodate 101 dwellings in a way which would complement and provide an acceptable transition out into the rural area.

## **5.29 Planning Balance and Conclusion**

- 5.29.1 The planning balance and conclusions to this scheme are summaries in the positive and negative aspects of the development below:
- 5.29.2 The proposal would bring the positive benefits in that one the allocated strategic sites for development would come forward further emphasizing the Council's position as to housing land supply. The site is acceptable in terms of its location close to services, access is agreed and contributions to health and social facilities could be assured by a S106 agreement
- 5.29.3 The proposal would have the following negative benefits in that the S106 agreement is lacking. What is of particular concern is that the site is not linked to the provision of a new football club. Without this in place the club could be lost resulting in a fundamental objection from Sport England and the loss of a sporting facility to the detriment of local and national planning policy.
- 5.29.4 In addition whilst the applicant has provided a simple document to say that 30% affordable housing can be accommodated the asked for viability statement is lacking. This raises serious questions as to the ability of the site to provide both housing development, a replacement sports facility, and deliver any appreciate level of affordable housing. Without this being proven objection is raised to the development.
- 5.29.5 In allocating the site for 101 dwelling in the recent modifications to the LDP this never the less requires the developers to show how a level of housing such as that as set can be reached. It is acknowledged that the site is difficult to develop, with one point of access, never the less the scheme as proposed is considered lacking in that it proposes a hard edged dense development in a location which would benefit from softer transition in the adjacent rural area.
- 5.29.6 In determining this application consideration has to be given to the proposed football ground application. Planning permission is required for this development to fund and provide the opportunity for the new football ground to come forward. This is considered on this same agenda.
- 5.29.7 Overall it is acknowledged that the relocation of the existing football club has been a long standing project which has involved many years work for the applicants. Nevertheless this application is considered insufficient in the details it proposes, not least to which the provision for an agreement to ensure the enabling of the football

club, and the viability of the development as far as it relates to affordable housing provision.

5.29.8 Hence the development is considered unacceptable and contrary to established and proposed local and national planning policies.

## 6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/94/00271** – Erection of new stand and terrace enclosure – Approved 03.06.1994.
- **FUL/MAL/95/00122** – New dressing room block – Approved 06.04.1995.
- **FUL/MAL/95/00447** – New toilet block and extension to existing stand – Approved 24.08.1995.
- **FUL/MAL/97/00242** – Extension to boys changing rooms – Approved 22.05.1997.
- **FUL/MAL/ 05/01108** - Installation of an Electronic Communication Base Station comprising a 20.46m high ultra slimline lattice floodlight swap-out mast, three no. antennas, two no. transmission dishes, equipment cabinets, fenced compound and development ancillary thereto. Refused 14.11.2015 but Allowed on Appeal 17.03.2006.
- **SOR/MAL/12/00038** - Request for a formal screening opinion on the possible requirement for an EIA under regulation 5(2) in relation to the proposed development of HSFC – EIA not required 06.02.2012

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

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>                                                                                                   | <b>Officer Response</b> |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------|
| Heybridge Parish Council             | Recommend refusal as the Council is concerned that there will be an increased flood risk to neighbouring houses. | Noted.                  |
| Great Totham Parish Council          | Notes the application and has no comments to make.                                                               | Noted.                  |

### 7.2 **Statutory Consultees and Other Organisations (*summarised*)**

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                                                           | <b>Officer Response</b> |
|---------------------------------------------------------|------------------------------------------------------------------------------------------|-------------------------|
| Natural England                                         | No objection to the principle of the development as here proposed.                       | Noted.                  |
| Anglian Water                                           | No objection subject to the imposition of conditions controlling foul and surface water. | Noted.                  |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Response</b>                                                                                                                                                                                                          |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Highways Authority                                      | From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to measures.                                                                                                                                                                                                                                                                                                                           | Noted.                                                                                                                                                                                                                           |
| Environment Agency                                      | No response received.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                  |
| Essex and Suffolk Water                                 | <p>We would advise you that our records show that our apparatus will be not be affected by the proposed development at the above.</p> <p>We have no objection to the proposed development subject to compliance with our requirements.</p>                                                                                                                                                                                                                     | Noted.                                                                                                                                                                                                                           |
| Essex Wildlife Trust                                    | No response received.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                  |
| Essex Bat Group                                         | No response received.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                  |
| National Health Service                                 | The applicants have not submitted a Health Care Impact Assessment in support of their application and it is considered that the development would have an impact on local surgeries if approved. It has been calculated that in excess of £34,000 should be used as a contribution o offset the impact of the development on healthcare facilities. Thus should be secured by way of a planning S106 agreement. If this is assured the no objection is raised. | Note, however the submitted S106 mentions a S106 agreement no such agreement securing a financial contribution, amongst other key elements of the proposal, including provision of the new football ground are with the Council. |
| Sport England                                           | Object to the re-development of this football club unless alternative premises with facilities as either the level as proposed here are secured. The cost of this replacement should be factored into this application and a timetable for the replacement of the facilities secured though a formal S106 Agreement                                                                                                                                            | Noted. As is set out above S106 agreement is not in place at this time but one has been requested.                                                                                                                               |

### 7.3 Internal Consultees (*summarised*)

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Officer Response                           |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Conservation Officer       | The proposed development site will impact on known archaeological remains. The desk-based assessment submitted with the application has identified the presence of archaeological features of probable Iron Age and Roman date, including possible settlement enclosures and field-systems. There is further potential for features dating to other periods to also be present, given the known settlement history of the Heybridge area. In addition the geology has been assessed as having moderate potential for Palaeolithic or Pleistocene remains.                                                                                                                                                                                                                                                                                                                | This can be assured by planning condition. |
| Emergency Planner          | No comments to make.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Noted.                                     |
| Environmental Health       | No contaminated land assessment has been carried out. Operational road traffic will contribute to road congestion and local air pollution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted.                                     |
| Housing Department         | <p>The application is proposing the provision of dwellings as a major strategic site which triggers the requirements for Affordable Housing under Policy H1 - Maldon District emerging Local Development Plan 2014 - 2029. The emerging Local Development Plan (LDP) requires 40% Affordable Housing provision for this scheme. Paragraph 216 of the National Planning Policy Framework (NPPF) states that decision takers may give weight to emerging plans according to the stage of preparation of the emerging plan, the more advanced the preparation, the greater the weight that may be given.</p> <p>The requirements at 25% - 40% affordable provision based on the recommendations of the Maldon District Council Strategic Housing Market Assessment (SHMA) 2014 are -</p> <p>80% smaller - 35% 1 bed 2 person, 45% 2 bed 4 person 20% larger - 20% 3 bed</p> | Noted. Please see main report.             |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Officer Response |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|                            | <p>5 person, 4 bed 7 person as required<br/>20% all affordable should be suited to meet needs of older people.<br/>1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need. The recommendation on tenure mix is 80% Social/Affordable Rented and 20% Intermediate (Shared Ownership).</p> <p>To calculate the contribution required for a percentage of a property it would be the cost to a Registered Provider that would be paid to the Developer/Applicant for an affordable unit. This scheme is proposing a mix of unit sizes including the development of 2 bed houses. Strategic Housing Services greatest housing need is for 2 bed 4 person houses. Therefore the Commuted Sum would be required for a percentage of a two bed house. Having assessed the cost to Registered Providers for a two bed affordable rented house in the District, the likely offer would be in the region of £118,000. Therefore 0.6 equates to a commuted sum payment of £70,800.</p> <p>The gross costs of the affordable units (rent/service charge) have to be within Maldon District Council's Strategic Tenancy Strategy and delivered by a Registered Provider / Housing Association who are recognised and regulated by The Homes and Communities Agency and eligible for funding from The Homes and Communities Agency.</p> <p>The Affordable Scheme detailing tenure, cost, sizes and allocation of units is to be agreed by Maldon District Council's Housing Department as part of the Section 106 Agreement. Strategic Housing Services would welcome further discussion with regards</p> |                  |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Officer Response               |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
|                            | <p>to type, tenure and size of the affordable housing units.</p> <p>This scheme is proposing 30% affordable housing provision, whilst we understand there are additional costs involved to bring this site forward, there has been no detailed financial appraisal supplied. Strategic Housing Services understand the need to possibly negotiate on the amount due to possible viability issues but at this stage there is no evidence, therefore we are unable to support this application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                |
| Planning Policy            | <p>There are several areas of concern regarding policy matters drawn from the submitted LDP.</p> <ol style="list-style-type: none"> <li>1. Accessibility to the new Heybridge Swifts FC via pedestrian footpaths has the potential to compromise a number of social aspects relating to the access to facilities as well as safety concerns. Without appropriate mitigation measures to ensure access to key services and facilities is available for all members of a community, some members of society will be excluded from using them due to a lack of vehicle ownership. Safety concerns are possible if facility users attempt to travel to the site via walking on road. Essex Highways should be consulted regarding the appropriateness of the location of the new ground, particularly in relation to the provision of sustainable modes of transport.</li> <li>2. A provision of affordable housing at 30% does not conform to the required 40% outlined in the submitted LDP. Aforementioned, if the developer can provide evidence to illustrate the 40% allocation is not viable for the site, necessary amendments can be considered.</li> </ol> | Noted. Please see main report. |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Officer Response               |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Leisure and Liveability    | <p>What is submitted is not a Landscape and Visual Impact Assessment.</p> <p>A deficiency in Open Space is proposed in relation to our Green Infrastructure standards and that proposed is in many small, arguably unusable segments. This used to be called Space Left Over After Planning and has long been discredited as an approach to greenspace provision.</p> <p>Provision or contribution towards a LEAP on or within 400m of the site needs to be made and is not shown at this time.</p> <p>There is a discrepancy in labelling between the Revised Masterplan July 2016 and the Landscape Strategy in the Landscape and Visual supplement that needs to be resolved (e.g. Area D on the revised Masterplan is labelled as Area F on the Landscape Strategy). The Landscape Strategy needs to identify the location of all landscape elements and provide a key to that effect for the sake of clarity.</p> <p>Any new tree planting should be supplied and planted to the best industry standards, be of a scale and number to provide a measure of instant impact, contribute to enhanced nature conservation of the site whilst being of high design value whilst having due regard to site and neighbouring levels.</p> <p>The LAP adjoining Area A needs to have an appropriate fence around it to secure it from the access road and car-parking.</p> <p>Despite the revised layout it is predicted that a high net will need to be provided to prevent rugby balls going in to people's gardens as existing on the south side of Drapers Farm Open Space. The applicant should provide</p> | Noted. Please see main report. |

| Name of Internal Consultee | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Officer Response |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|                            | <p>appropriate mitigation, therefore, to achieve this following discussion with both MDC Leisure Services and the Rugby Club if this scheme is to be approved.</p> <p>The additional tree-planting along this eastern boundary is to be welcomed but it appears to be at the expense of tree-planting on the internal access road. Appropriate planting needs to be added to the street scene. In addition, the additional tree-planting is located within the existing Public Open Space on land not owned by the applicant. This proposed mitigation needs to be agreed with Leisure Services prior to determination to ensure it is viable including location, tree species, size, specification for planting and on-going maintenance. MDC Leisure Services will, in any case, not be responsible for on-going maintenance in perpetuity without appropriate remuneration from the applicant. The additional off-site tree-planting should be extended south to meet Area F. This scheme should not be approved without these safeguards in place.</p> <p>The open space to the east of the development is used during the season for informal car-parking by the sports clubs that use the Draper's Farm site, the result of which can be seen by the eroded nature of the land. It should be anticipated that tensions would arise between owners and occupiers of the development site and the current users of open space to the east, especially as access points are to be provided for pedestrians along this boundary. The applicant needs to contribute towards enhancement and management of this space if he intends new residents to rely on existing open space rather than providing it on site.</p> |                  |

## 7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- RH Banks Daisy Bungalow Basin Road Heybridge Basin
- Tina Cutler Dorp House Maldon Road Goldhanger
- Mr & Mrs P Dearing 21 Blackwater Close Heybridge Basin Essex
- Patrick Forsyth 28 Saltcote Maltings Heybridge Maldon
- John Giles Devonia Goldhanger Road Heybridge
- Mr Charles Griffiths 11 Willow Walk Heybridge Maldon
- Dave Jackson 18 Hayes Road Clacton On Sea CO15 1TX
- K.L Juby Saltcote Hall Goldhanger Road Heybridge
- Matthew Kingston Managing Director Mill Beach Seaside Resort Goldhanger Road
- Rebecca Loader 15 St Georges Close Heybridge Basin Essex
- Mr & Mrs Wager C/o Mark Stevens MD For Dovetail Architects Ltd Suite 4 Clocktower House Horndon Industrial Park
- Mrs Ann Payne Devonia Goldhanger Road Heybridge
- Petition C/o Barlow, J D 1 Grouts Farm Cottage Kelvedon Road Tolleshunt D'Arcy
- Mrs Samantha Tallowin Chigborough Farm Chigborough Road Heybridge
- Matthew Utting 7 Siskin Gate Bracknell Berkshire
- S.M Wager Saltcote Hall Goldhanger Road Heybridge
- Andrew Wager Saltcote Hall Goldhanger Road Heybridge
- Mr A. J Williams 4 Willow Walk Heybridge Maldon

| Objection Comment                                                                                                                                                                                                                                                                                                     | Officer Response                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Principle:</b>                                                                                                                                                                                                                                                                                                     |                                                                                                                                        |
| The area is designated within the LDP and [whilst] not strongly against this, there is a flaw in the LDP that the Swifts have not been allocated a new site                                                                                                                                                           | The LDP does not allocate a site for Swifts.                                                                                           |
| National Policy that sporting resources should not be developed upon until an alternative site has been found – proposed re-siting of the Swifts is highly unsuitable                                                                                                                                                 | Noted, this report comments that there is no S106 as agreed to ensure the continued presence of the club should the site be developed. |
| The Swifts existing site is in recreational use but is ... proposed as a housing allocation in the emerging LDP. For this ground to be redeveloped for housing it is a requirement that equivalent or better compensatory recreational provision is made available. The proposed site does not meet this requirement. | Noted, see above.                                                                                                                      |

| Objection Comment                                                                          | Officer Response  |
|--------------------------------------------------------------------------------------------|-------------------|
| It is a significant failing of the LDP [not] to allocate a site for a new football ground. | Noted, see above. |
| <b>Other:</b>                                                                              |                   |
| Application should be re-submitted when an alternative site has been found for the swifts  | Noted, see above. |

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Ben Albone 8 Centaur Way Maldon Essex
- Cheryl Albone 8 Centaur Way Maldon Essex
- Nick Aldridge 8 Mayflower Avenue Harwich Essex
- E Allen 27 Baker Avenue Hatfield Peverel Essex
- Mark Allen 62 Temple Grove Park West Hanningfield Chelmsford
- Phil Anderson 60 Bosworth Road Dagenham Essex
- James Aston 3 Olive Grove Colchester CO2 9NF
- Pam Atkinson 31 Menin Road Colchester CO2 7JB
- P Baldwin 1 Wadley Close Tiptree Essex
- Amanda Baldwin 2 Wadley Close Tiptree Essex
- Joe Ball 28 Crescent Road Colchester CO2 7SJ
- Luke Banner Saunders Cottage Colcheser Dedham
- Keith Bannister 38 Wentworth Meadows Maldon Essex
- Jack Barham 11 Lachingdon Close Rayleigh Essex
- K Barnes Tudors Hackmans Lane Cock Clarks
- Anthony Barnes 3 Charlton Close Sible Hedingham Halstead
- V Barnes Tudors Hackmans Lane Cock Clarks
- A Barnes Tudors Hackmans Lane Cock Clarks
- C Barnes Tudors Hackmans Lane Cock Clarks
- Grant Barrow 16 Beechwood Close Colchester Essex
- Andy Bates 3 Saddlers Close Great Notley Essex
- Joe Beadle 16 Vine Road Tiptree Essex
- Peter Bellinger 20 Southey Close Heybridge Essex
- Aimee Bellinger 37 Limbourne Drive Heybridge Essex
- Peter Bellinger 20 Southey Close Heybridge Maldon
- Paul Bemrose 71 Sandmartin Crescent Lakelands Colchester
- Tracey A. Bentley 21 Blind Lane Goldhanger Essex
- Jean Betts 2 Eaton Way Great Totham Essex
- Steve Bishop Charterwood Station Road Wakes Colne
- R Bloomfield 17 West Belvedere Danbury CM3 4RF
- S Bloomfield 17 West Belvedere Danbury CM3 4RF

- A Bloomfield 31 Belvedere Close Danbury CM3 4RG
- Daniel Blore 11 Mareth Road Colchester CO2 9LW
- Richard Bowyer 6 Willow Walk Heybridge Essex
- Nick Bowyer 16 Southey Close Heybridge Essex
- Dave Bradshaw 142 Beechwood Close Colchester CO2 9QT
- Dave Brewer 30 D'Arcy Way Tolleshunt D'Arcy Essex
- Elizabeth Bristol 9 Mayland Close Heybridge Essex
- Gary Bristol 9 Mayland Close Heybridge Essex
- K. R Broadhurst Royal Oak Farnbridge Road Maldon
- Noel Brooksbank 6 Cassino Road Colchester Essex
- Trevor Brown 16 Hayley Bell Gardens Bishops Stortford Herts
- Jamie Brown 40 Mildred Road Erith DA8 1AL
- Alan Brown 25A Belvedere Place Maldon Essex
- Rory Burke 16 Wewstminster Avenue Hereford HR1 1QH
- Andy Burrell 11 Alicia Avenue Wickford Essex
- Steve Buscall 9 Bois Field Terrace Halstead Essex
- Mark Calvert 2 Nursery Cottages 57 School Road Downham
- Peter Calvert 85B Heywood Way Heybridge Essex
- Tanya Campbell 10 Salerno Crescent Colchester CO2 9SG
- Ralph Campbell Atkinson 31 Menin Road Drury Meadows Colchester
- Mrs S Carter 4 Gorse Lane Tiptree Essex
- Sean Carter 79-90 Cottonwood Road Colchester CO2 9PZ
- Mr Bill Chalk 43 Maple Avenue Heybridge Essex
- Mark Chaplin 5 Beadle Place Great Totham Essex
- Sam Chaplin 8 Lodge Road Maldon Essex
- Richard Chapman 29 Rookery Lane Great Totham Essex
- Alex Chick 17 Durham Square Colchester CO1 2RS
- P Churchman 155 Heywood Way Heybridge Maldon
- Michael Clahane 119 Seamore Avenue Benfleet Essex
- Mr Danny Clare 48 The Driveway Canvey Island Essex
- Tony Clare 30 Julier Road Canvey Island Essex
- Charlie Clare 48 The Driveway Canvey Island Essex
- Matthew Clark 12 Ash Grove Heybridge Maldon
- Stewart Clark 12 Ash Grove Heybridge Maldon
- Matthew Clark 12 Ash Grove Heybridge Essex
- Stewart Clark 12 Ash Grove Heybridge Essex
- D Clarke 21 Homefield Road Colchester CO2 7JS
- S.W Cockett 10 Glebe Road Heybridge Essex
- Andrew Cockett 20 Wordsworth Avenue Maldon Essex
- R Cole 28 Wavely Crescent SS11 7NN

- Daniel Cole 3 Eight Acre Lane Colchester CO2 9LR
- Sarah Collins 78 Wagtail Drive Heybridge Essex
- N Cooch 6 South Street Tillingham Southminster
- Mitchell Cooke Peverel Cottage The Green Hatfield Peverel
- Paul Cornwell 14 Virley Close Heybridge Essex
- John Cornwell 14 Virley Close Heybridge Maldon
- Steve Crisp 20 Larch Walk Heybridge Essex
- Mrs C.A Crisp 20 Larch Walk Heybridge Essex
- Aaron Cudby 5 Acer Grove Ipswich Suffolk
- L Cummer 4 Hillary Close Heybridge Essex
- Dean Curtis 33 Battle Rise Heybridge Essex
- Chris Daines 1 Courtland Mews Maldon Essex
- Ivor Dallinger 54 Crescent Road Heybridge Maldon
- James Dallinger 30 Heywood Way Heybridge Maldon
- Matthew Dalton 49 Brockenhurst Way Bicknacre Essex
- C Dalton 2 Bale Close Bexhill TN39 4LJ
- Chris Darling 18 Tudor Gardens Upminster Essex
- Lewis Dask 77 Coolgardie Avenue Chigwell Essex
- Michael Davies 27 Cottonwood Close Colchester Essex
- Cara Davis 3 Grange Cottages Southend Road Woodham Mortimer
- Luke Desborough 43 Foxhunter Walk Billerica Essex
- Oliver Devenish 73 Archers Way Galleywood Chelmsford
- Diane Dibley 1 The Roothings Heybridge Essex
- Jessica Dicks 12 Anchorange View St Lawrence Southminster
- Ryan Diggon 21 Elizabeth Way Heybridge Maldon
- P Dodd 16 Memory Close Maldon Essex
- Craig Downing 4 Alamein Road Colchester Essex
- Raphael Duvile 15 Willington Court Mandiville Street E5 0SQ
- Stephen Edmead Westview Manor Road Hatfield Peveral
- Nicola Edmead Westview Manor Road Hatfield Peveral
- Andrew Elliott 45 Heywood Way Heybridge Maldon
- Christopher Elliott 7 Broad Street Green Road Heybridge Essex
- Robert Ellis 30 Stmabourne Road Toppesfield Halstead
- A Ellis 143 High Street WE17 6DP
- R Ellis 17 Marston Beek Chelmsford CM2 6RL
- M Emberton Osea Leisure Park Goldhanger Road Heybridge
- Oliver Emsden Clare House Wood End Widdington
- Dawn Enstone Lynslade West End Road Tiptree
- Robert & Tracey Evans 3 Mermaid Way Maldon Essex
- Allan Everard 2 Drayton Close Maldon Essex

- Sandra Final 157 Broadway Silver End Witham
- M Finch 81 St Giles Crescent Maldon Essex
- J Fletcher 44 New Moor Southminster Essex
- Robert Fleuty 29 Cedar Chase Heybridge Essex
- Mr Anthony Flynn 2520/821 LCPL Flynn 3 Para D Coy
- Tony Foster 11 Curlew Close Heybridge Maldon
- Carol Foster 17 Elizabeth Way Heybridge Essex
- Melanie Foster 2 Northey View Heybridge Essex
- Christopher Foster 11 Holly Close Colchester CO2 9LQ
- Thomas Fraser 25 Ramsey Close Heybridge Maldon
- Susan Fraser 25 Ramsey Close Heybridge Maldon
- Andrew Fraser 25 Ramsey Close Heybridge Essex
- A Freeman 31 Longship Way Maldon Essex
- Keith Frid 88 Hurst Road Sidcup Kent
- Stewart Fryer 10 Maryow Road Charlton
- Joe Garwood 5 Eight Acre Lane Colchester CO2 9LR
- S Gearey 11 North Street Maldon Essex
- Brian Gee 105 Poynings Avenue Southend On Sea Essex
- Victoria George 1 Memory Close Maldon Essex
- Aaron Godbold 10 Meadow Rise Billericay CM1 2DT
- Lewis Godbold 10 Meadow Rise Billericay CM11 2DT
- Sarah Godfrey 55 Market Hill Maldon Essex
- Jason Goodchild 15 Manor Way Bromley Kent
- Alastair Gorden 6 St Fillans Road London SE6 1DG
- Evan Graham Lyndean Newtmore Road Kingussie
- Henrietta Green The Smythes Smythes Green Layer Marney
- Stephen Hall 42 Eastern Way Cowgate Newcastle-Upon-Tyne
- Mr A. G Hallam 21 Cassino Road Colchester CO2 7UT
- S Hambrook 14 Yardwood Road Chelmsford CM2 0EJ
- Oliver Harrison 14 Milverton Court Newcastle WE3 2RP
- J Hazell Borough Arms Wantz Road Maldon
- Jill Hedgecock 5 Larch Walk Heybridge Essex
- Sam Hedgecock 26 Buckingham Drive Colchester Essex
- Mr Daniel Herbert Room 2, Flat 9 G13 Merville Barrocks Colchester
- Kyle Hill 7 Willow Walk Heybridge Maldon
- D Hill 7 Willow Walk Heybridge Maldon
- T Hill 109 Westdean Avenue London SE12 9NL
- Chris Hill 30 Orchard Avenue Belvedere DA17 5PB
- Mark Hill 7 Willow Walk Heybridge Essex
- L. J Hills 5 The Street Heubridge CM9 4NB

- Jack Hixson 148 Kenneth Road Benfleet Essex
- Mark Hixson 148 Kenneth Road Benfleet Essex
- Joe Hixson 148 Kenneth Road Benfleet Essex
- J Hodges 60 Paddock Drive CM1 6UX
- M Hodgson 4 Church Road Bradwell Village Braintree
- Sam Holden 27 Sanderling Gardens Heybridge Maldon
- John Holliday 54 Creekview Road South Woodham Ferrers Essex
- Sharon Hopkins 13 Broad Street Green Road Heybridge Maldon
- P Hopper 79 Cottonwood Close Colchester CO2 7UJ
- Steve House 32 Luddesdon Road Erith DA8 1NG
- Gareth Howard 53 Bramble Way Witham CM8 2GX
- Louise Howard 28 Head Street Goldhanger Essex
- Richard Hughes Ashley Cottage 7 Limbourne Drive Heybridge
- Mrs M Hyam 20 Rowan Drive Heybridge Essex
- Amy Jackson 6 Honeywood Road Halstead Essex
- Mr A Jackson 17 Menin Road Colchester Essex
- Laura Janes 8 Chestnut Avenue Heybridge Essex
- James Janes 8 Chestnut Avenue Heybridge Essex
- Andy Jayne 13 Dorset Road Maldon Essex
- Andy Jayne 13 Dorset Road Maldon Essex
- H Jeanes 7 Blind Lane Goldhanger Essex
- Mr & Mrs BA Jeffery 2 Becket Way South Woodham Ferrers Chelmsford
- Evan John 10 Diamond Place 11 Maldon Road Colchester
- Theo Johnson 33 Ilex Close Colchester CO2 8QP
- Rachel Jones 6 Willow Walk Heybridge Maldon
- Glen Jones 6 Sassoon Way Maldon Essex
- Neal Jones 14 Forbes Road Rosyth Fife
- Anthony Keane 3 Para Merville Barrocks Colchester
- Connor Keating Glenfields Main Road Mundon
- Mr Michael Kempen 28 Coleridge Road Maldon Essex
- Ian Kennedy 38 Prince Of Wales Road Great Totham Essex
- Rosemary Kershaw 9 Provence Close Stanway CO3 0JD
- Josh Ketley 82 Hillary Close Heybridge Maldon
- Alister Ketley 10 Buchanan Way Latchingdon Chelmsford
- Keegan Kilpatrick 36 Eastgate Choppington Northumberland
- B Kilsby 60 Kingley Lane Benfleet Essex
- Sue Knight 19 Cross Road Maldon Essex
- B Larin 2 Mount Villas 38 Kelvedon Road Wickham Bishops
- Graham Lodge 30 Abell Way Chelmsford Essex
- T Lodge 24 Coleridge Road Maldon Essex

- Sam Long 150 The Drive Bexley Kent
- Paul Lucas 20 Hillside Road Southminster Essex
- James Macintyre 1 Butler Road Harrogate HG1 4PF
- G Maclachlan 3B Stock Terrace Stock Chase Heybridge
- Tony Manning 438 Havering Road Romford Essex
- Samantha Mansfield 14 Maple Avenue Heybridge Essex
- Anabella Margues 3 Emneth Acre Maldon Essex
- R Marsh 1 Heywood Way Heybridge Essex
- Ian Martinson 3 Para Merville Barracks Colchester
- Mr D W Masyn 15 Monmouth Close Portishead Bristol
- Joe Matthews 75 Southwark Road Rochester Medway
- Kirsty Matthews 26 Albemarle Gardens Braintree Essex
- Chris Matthews 18 Beechwood Close Colchester CO2 9QP
- James McMillan 78 Oak Road Tiptree Essex
- J P Mcmillan 46 Hillary Close Heybridge Essex
- Lee Meakin 35 Larch Walk Heybridge Essex
- Danielle Meakin 35 Larch Walk Heybridge Essex
- Andrew Meakin 21 Cooper Avenue Heybridge CM9 4YY
- Lauren Meakin 21 Cooper Avenue Heybridge CM9 4YY
- Andrea Milton 15 Wickham Crescent Braintree CM7 3BW
- Lewis Mings 58 Whitmore Street Maidstone Kent
- Jason Monaghan 44 Mareth Road CO2 9LN
- Jennifer Monaghan 44 Mareth Road CO2 9LN
- Mr Monk 27 Pippins Road Burnham-On-Crouch Essex
- Gary Monti Greenways 71 Maldon Road Great Totham
- Charlie Monti 71 Maldon Road Great Totham Essex
- L Morris 44 Maldon Road Tiptree Essex
- Beverley Morton 1B Stock Terrace Stock Chase Heybridge
- Joseph Mounter 99 Hornbeam Close Colchester Essex
- V Moyles 42 Beechwood Close Colchester CO2 9QP
- Malcolm Myles 27 Ash Grove Heybridge Essex
- Lorraine Newton 65 Dorset Road Maldon Essex
- Paul Norman 28 Steed Crescent Colchester CO2 7SJ
- Lucinda O'Leary 95 Main Road Danbury Essex
- Steve Oboyle 7 Warwick Road Welling Kent
- J Palmer 16 Park Drive Halstead Essex
- C Palmer 16 Park Drive Halstead Essex
- Daryl Parham 5 Limbourne Drive Heybridge Essex
- Wayne Parham 52 Doubleday Drive Heybridge Essex
- George Parsons 17 Durham Square CO1 2RS

- Daniel Pask The Pines 70 Basin Road Heybridge Basin
- Clive Pask 32 Dorset Road Maldon Essex
- Graham Payne 11A Tyrrel Drive Southend-On-Sea Essex
- Euan Philbin 79-90 Cottonwood Close Colchester CO2 9PZ
- Mr Alexander Pink 20 Oak Drive Minsterley Shropshire
- D H Pitt 2 Shortridge Court Witham Essex
- Nicola Ponder Warwick House The Street Salcott
- Matt Ponder Warwick House The Street Salcott
- Carol Ponder 30 Goat Lodge Road Great Totham Essex
- Derek Potter 14 Warwick Crescent Maldon Essex
- Steve Pratt 26 Paston Close South Woodham Ferrers CM3 5UA
- Stuart Putt 102 Plantation Road Boreham Chelmsford
- R Quant 37 Beechjwood Close Colchester CO2 9QP
- Eddie Randall 21 Turner Close Black Notley Braintree
- Paul Raven 18 Alexandrade Road Walstow London
- J Raymond 34 Viotet Close Chelmsford CM1 6XG
- Kevin Rayner 1B Stock Terrace Stock Chase Heybridge
- Craig Riches Evelyn House 150 Goldhanger Road Heybridge
- S Ruggles 27 Tennyson Road Maldon Essex
- Anthony R. Rushbrook 3 Coleridge Road Maldon Essex
- Dave Sackon 18 Hayes Road Cklacton-On-Sea CO15 1TX
- Dlushunmade Salu 49 Alamein Road Colchester CO2 9LJ
- Mark Sambridge 114 Victoria Avenue Grays Essex
- Danny Sambridge 114 Victoria Avenue Grays Essex
- Jake Samler Amber Scraley Road Maldon
- M Sanderson 10 Hospital Lane Colchester Essex
- L Saunders 16 The Avenue Witham CM8 2OJ
- David Scott Highview Rosehill Road Torquay
- Mrs J Scott 20 Mirosa Reach Maldon Essex
- Michael Scott 33 Napler Avenue Southend-On-Sea Essex
- Keith Simons Chase Side 40B London Road Maldon
- Nigel Smith 11 Spinnaker Drive Heybridge Basin Maldon
- D Smith 5 Browning Road Brantham Suffolk
- Jack Smith 13 Walnut Drive Witham Essex
- Matthew Smith 11 Spinnaker Drive Heybridge Basin Essex
- D Southwell 79 Doudica House Cottonwood Close Colchester
- K Spence 4 D'Arcy Court Maldon Essex
- Jackie Spenee 31 Coleridge Road Maldon Essex
- Steve Spreadbury 21 Harvest Way Heybridge Essex
- Steve Springett 2 Denton Road Welling Kent

- Nylan Spurders 23 Hunt Avenue Heybridge Essex
- Mrs J Steptoe 3 Spring Lane Great Totham Essex
- Alan Stevens 69 Barbrook Lane Tiptree Essex
- Mr D Storlie 178 Albany Gardens CO2 8HQ
- Billy Sullivan 34 Tyeshurst Close Upper Abbeywood London
- Mark Sullivan 34 Tyeshurst Close Upper Abbeywood London
- Stephanie Sylvester 26 Hoynors Danbury Essex
- Mr Chris Teoh 3 Para Merville Barracks Colchester
- The Occupier 165 Heywood Way Heybridge Essex
- The Occupier Westview Manor Road Hatfield Peveral
- The Occupier 66 Beardsley Drive Cheslmford Essex
- The Occupier 16 Southey Close Heybridge Essex
- The Occupier 56 Margraten Avenue Canvey Island Essex
- The Occupier 194 Parkinson Drive Chelmsford CM1 3GS
- The Occupier 102 Elmsleigh Drive Leigh-On-Sea Essex
- The Occupier Daffycot 33 Conduit Lane Woodham Mortimer
- The Occupier 3 Harest Way Swanley BR8 7WZ
- The Occupier 65 Vine Road Tiptree Essex
- The Occupier 11 Broad Street Green Road Heybridge Essex
- The Occupier 1 Oast Way Rochford Essex
- The Occupier 4 Deerbank Road Billericay Essex
- The Occupier Woodlands Maldon Road Tiptree
- The Occupier 10 Ash Grove Heybridge Essex
- The Occupier 17 St Giles Crescent Maldon Essex
- The Occupier 29 Steeple Close Heybridge Essex
- The Occupier 18 Buxton Road Erith DA8 3BJ
- The Occupier 137 Woodfield Cottages Heybridge Essex
- The Occupier 64 Granger Avenue Maldon Essex
- The Occupier 64 Penning Colesa Street Southend-On-Sea Essex
- The Occupier 295 Avon Road Chelmsford Essex
- The Occupier 14 Grantham Avenue Great Notley Braintree
- The Occupier 1B Stock Terrace Stock Chase Heybridge
- The Occupier Lower Farm Wallhouse Road Erith
- The Occupier 49 Larch Walk Heybridge Essex
- The Occupier Saunders Cottage Manningtree Road Dedham
- The Occupier 7 Maple Avenue Heybridge Essex
- The Occupier 2 Leigh Avenue Essex SS8 9PL
- Mrs Nicola Thomas 3 Limbourne Drive Heybridge Maldon
- C Thorpe Stevelor Crown Road Cold Norton
- Peter Travers 10 Marram Close Colchester Essex

- Mr Peter Travers 10 Marrain Close Colchester CO3 0PJ
- Nicola Trivett 11 Brograve Close Galleywood Chelmsford
- Alan Troman 17 Churchwell Avenue Easthorpe Essex
- A C Tuttlebury 2 Berners End Barnston Dunmow
- Mr N Tuttlebury 2 Berners End Barnston Dunmow
- Sean Vian 139 Beechwood Close CO2 9QT
- Sam Wakefield 91 Sandpiper Close Heybridge CM9 4PY
- Glen Walefield Glenfields Main Road Mundon
- Karen Walefield Glenfields Main Road Mundon
- Sam Wallis 3 Braeburn Drive Maldon Essex
- S Wallis 17 Larch Walk Heybridge Essex
- Ian Wallis Warren Cottage Maypole Road Wickham Bishops
- B Wallman 1 Spruce Close Witham CM8 2NU
- D Ward 5 Taperstry Walk Braintree CM7 3FB
- Andy Warriner Ballantyne Beckingham Street Tolleshunt Major
- Justin Watt 3 Para Merville Barrocks CO2 7UT
- Gary Westbrooks 12 Wickham Chase West Wickham BR4 0BZ
- Gary White Cherry Hall Blacksmiths Lane Wickham Bishops
- Stephen White 43 Fontayne Avenue Romford RM1 4NS
- Rob White 24 Maple Avenue Heybridge Maldon
- G Whiteley 121 Hillary Close Heybridge Essex
- Ian Whymark 8 Gill Close Heybridge Maldon
- Mr & Mrs Wilkinson 42 Scraley Road Heybridge Maldon
- Irene Williams 9 Rivendell Vale South Woodham Ferrers Essex
- W K Williams 9 Rivendell Vale South Woodham Ferrers Essex
- Shane Wingate 3 Para Merville Barrocks Colchester
- Bob Wita 281 London Road Marks Tey Essex
- Jason Woodcock 18 Mansell Close Leigh-On-Sea Essex
- Adam Woodward 7 Cricketers Close Erith DA8 1TU
- James Woolward 29 Montpellier Close Billericay Essex
- L Woonton 132 Woodfield Cottages Heybridge Essex
- Mrs A Wright 16 Longfellow Road Maldon Essex
- A Wright 109 Goldhanger Road Heybridge Essex
- Emma Wright 1A Head Street Goldhanger Essex
- Louise Young 5 Brooke Square Maldon Essex
- Leo Yuill 6 Fambridge Road Maldon Essex
- T Yusuf 1 The Sycamores Brentwood Road

| Supporting Comment                                                                                                              | Officer Response                                                  |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>Principle:</b>                                                                                                               |                                                                   |
| New homes are much needed in the community.                                                                                     | Noted, the site is considered a strategic application in the LDP. |
| Heybridge is a sustainable place for new homes.                                                                                 | Noted, see above.                                                 |
| The development(s) will be a benefit to the majority of the residents of Heybridge and the surrounding areas.                   | Noted.                                                            |
| The development works hand in hand with other local developments and will put the area on the map and help the local community. | Noted.                                                            |
| It is time to move – the facilities are dated and the thriving community deserves a new facility.                               | Noted.                                                            |
| <b>Other:</b>                                                                                                                   |                                                                   |
| The development for much needed housing should be encouraged.                                                                   | Noted, the site is considered a strategic application in the LDP. |
| Homes on the site will improve how it currently looks.                                                                          | Noted.                                                            |
| The [development] would be brilliant for the club and for the community.                                                        | Noted, the site is considered a strategic application in the LDP. |

## 8. **REASONS FOR REFUSAL**

1. The development, by virtue of its scale, mass and layout is considered to provide for a cramped and contrived development out of character with the surrounding area and to the detriment of this edge of open rural land setting. This is brought about by the number of dwellings as proposed, their height, scale mass and their form. The development is considered contrary to paragraphs 61 and 64 of the National Planning Policy Framework; policies BE1 and BE6 in the Adopted Maldon District Local Plan, and Policy D1, D2, and N3 within the proposed Local Development Plan.
2. The development as proposed forms a hard built edge immediately next to the eastern and southern boundaries of the site, which represent the boundaries to open countryside beyond the site. This is considered to materially affect the character of this area to its considerable detriment contrary to paragraphs 61, 109 and 118 of the National Planning Policy Framework; policies BE1, BE6 and CC6 of the Adopted Maldon District Local Plan policy N2 of the proposed Local Development Plan.
3. The development as permitted makes no provision on site for a designated Local Equipped Area for Play (LEAP) relying on land outside the ownership for provision of the same. As such the layout as proposed would have no areas for play and recreation to the detriment of the health and well-being of residents. This is considered contrary to Policy N3 in the proposed Local development Plan, as well as Paragraph 69 in the National Planning Policy Framework.

4. The development as proposed has failed to show in detailed terms how a housing development on this site can enable the associated relocation of the new football ground and be viable in terms of affordable housing provision and to show how the applied for 30% affordable housing contribution can be achieved. As such the development is considered contrary to paragraph 173 of the National Planning Policy Framework; contrary to Policy H9 in the Adopted Maldon District Local Plan, and Policy H1 of the proposed Local Development Plan.
5. The development as proposed shows no formal connection by way of a legal agreement to link the re-development of this existing sports site to the phasing and delivery of the development it enables, that is to say a replacement football facility and associated facilities. Without it the retention of a sporting facility to house Heybridge Swifts cannot be demonstrated and secured by any legal means. As such the development if approved would result in the avoidable loss of an existing sports facility with its alternative location not being safeguarded. Therefore the development would be contrary to paragraph 74 of the National Planning Policy Framework; Policy REC in the Adopted Maldon District Local Plan, and Policy N3 of the proposed Local Development Plan.