



Appeal Decision

Site visit made on 24 September 2024

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2025

Appeal Ref: APP/X1545/W/23/3333081

Land at and rear of 9 Church Road, Wickham Bishops, Essex CM8 3LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Tentori Mazdev Ltd against the decision of Maldon District Council.
 - The application Ref is OUTM/MAL/23/00123.
 - The development proposed is for the demolition of 9 Church Road, creation of new access and the development of up to 50 dwellings including associated car parking, open space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 9 Church Road, creation of new access and the development of up to 50 dwellings including associated car parking, open space and landscaping at the land at and rear of 9 Church Road, Wickham Bishops, Essex CM8 3LA in accordance with the terms of the application, Ref OUTM/MAL/23/00123, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mazdev Ltd against Maldon District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application is in outline with all matters except for means of access reserved for later approval. The submitted masterplan and landscape strategy plan¹ are for indicative purposes only and I have considered them accordingly.
4. A revised site access drawing² was submitted with the appeal, which relocates the site access junction 1.12m to the west to avoid 11 Church Road. The appellant contends that this results in the visibility splay being solely within the public highway. Even if this is not the case, this does not change the substance of the proposal. In my view the changes are very small in scale. Furthermore the Council has confirmed that although it considers there is no need for the access plan to be amended, that it and Essex County Council as the Local Highway Authority (ECC LHA) are content with the revision. I have been invited to condition either the original or revised plan if allowing the appeal. The revised plan was also submitted

¹ DRWG: P22-3185_DE_001__01C and DRWG:8035/ASP4/LSP

² DRWG: 06327-TR-0001-P6

early in the appeal process. Having regard to legal judgments³, I am satisfied that no interested party would be prejudiced by my acceptance of this drawing.

5. The development was screened under the relevant Environmental Impact Assessment (EIA) regulations⁴ and found not to constitute EIA development. The proposed development would be located within the Zone of Influence (ZoI) for the Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, and the Crouch and Roach Estuaries SPA and Ramsar site. These are referred to as Habitats sites within the Framework and I also refer to them throughout as Habitats sites.
6. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. As the changes are material to the proposal, I sought the main parties comments on the revised Framework. I have taken them and comments from Wickham Bishops Action Group (WBAG) and Wickham Bishops Parish Council (WBPC) into account in reaching my decision, which is based on the revised Framework.
7. Prior to the changes to the Framework, the Council could deliver a 6.35 year Housing Land Supply (HLS) at the time the application was determined. The Council now states taking into account the new Standard Method (which sets an annual supply target of 569 homes) and a required additional 5% buffer, its housing land supply now stands at 2.70 years.
8. The first Reason for Refusal (RfR) alleged conflict with the Council's housing strategy and harm to the setting, built form and character of the settlement of Wickham Bishops. However, in view of the above the Council confirms that it will no longer be pursuing the first RfR.
9. The second, third and fourth RfR relate to the absence of a method to secure affordable housing, and financial contributions. An executed and certified copy of the planning obligation made under section 106 of the Town and Country Planning Act 1990 (as amended) (s106) was submitted as part of the appeal. The Council subsequently confirmed within its costs rebuttal statement that the signed s106 does address RfR 2, 3 and 4 and these reasons are withdrawn. The s106 includes the following obligations:
 - Affordable housing – to submit an affordable housing scheme to deliver 50% of the dwellings as affordable housing, including phasing of delivery and transfer of the affordable dwellings to a registered provider and the tenure.
 - Open space – to submit a local open space specification and maintenance plan with arrangements for delivery, phasing, maintenance and future management.
 - Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) contributions – to make financial contributions towards the mitigation of harm towards Habitats sites.

³ Bernhard Wheatcroft Ltd v SSE [JPL 1982 P37] and Holborn Studios Ltd v London Borough of Hackney [2017] EWHC 2823 (Admin)

⁴ Town and Country Planning (Environmental Impact Assessment) Regulations 2017

- Healthcare contribution – to make financial contributions to the provision or improvement of healthcare facilities to serve the development.
 - Education contributions – to make financial contributions to early years and childcare purposes primary and secondary education purposes and secondary school transport purposes.
 - Library contributions – to make financial contributions towards the upgrading of existing facilities.
10. Notwithstanding the Council has withdrawn all four of the RfR there are third party objections to the scheme in relation to the RfR. Therefore it is incumbent on me to determine the appeal having due regard to these views.

Main Issues

11. The main issues are:

- whether the proposal would be in a suitable location having regard to local policies concerned with housing and accessibility;
- the effects of the scale and location of the proposed development upon the character and appearance of the settlement of Wickham Bishops; and
- whether the s106 would address the requirements for affordable housing, public open space, and contributions towards, healthcare, education, libraries and Habitats sites.

Reasons

Housing policies

12. The appeal site is located towards the western extents of the village of Wickham Bishops. It is accessed directly via a track between Nos 9 and 11 Church Road. The bungalow at No 9 would be demolished to incorporate the access to remainder of the irregularly shaped site behind it. Whilst land associated with No 9 is within the Defined Settlement Boundary (the DSB) of Wickham Bishops, the majority of the appeal site falls outside this.
13. This proposal follows a previous application⁵ that was dismissed at appeal⁶ on 18 December 2017 (the 2017 appeal). That decision superseded an appeal decision issued on 1 February 2017 which was quashed by the High Court. The 2017 appeal proposal was for the erection of up to 52 residential dwellings with vehicular access. I understand the overall layout of the development considered under the 2017 appeal incorporated a similar site area, access and indicative layout to the proposal before me.
14. Since the 2017 appeal was determined, the Wickham Bishops Neighbourhood Plan 2016 – 2029 (the Neighbourhood Plan) made 2021 was adopted and now also forms part of the development plan with the Maldon District Approved Local Development Plan 2014 – 2019, adopted July 2017 (the Local Plan). This is a material difference to the 2017 appeal, wherein the Policies within the Neighbourhood Plan were given no weight due to its stage of preparation.

⁵ Council reference: 15/01342/OUT

⁶ Appeal reference: APP/X1545/W/16/3152640

15. The Neighbourhood Plan does not contain any allocations for housing. The Council's housing and spatial strategy are set out in Local Plan Policies S1, S2 and S8. As part of the overarching approach to securing sustainable development, Local Plan Policy S1 seeks, amongst other things, to meet housing needs in the most sustainable locations, minimise the need to travel, and where travel is necessary, to prioritise sustainable modes of transport. This is alongside ensuring the rural character of the district and identity of settlements are not compromised. Local Plan Policy S2 sets out where new homes will be delivered and states the majority of new strategic growth would be within extensions to Maldon, Heybridge and Burnham-on-Crouch. It acknowledges, however, that a proportion of new development will be directed to the rural villages to support rural housing needs, local services and facilities and the rural economy.
16. Policy S8 of the Local Plan states that sustainable developments within the defined settlement boundaries will be supported and lists a settlement hierarchy. After the three main settlements the village of Wickham Bishops is, alongside Great Totham, Maryland, Southminster and Tollesbury identified next within the Local Plan Policy S8 settlement hierarchy as a 'larger village'. Policy S8 gives criteria where development outside settlement boundaries will be granted and seeks to protect the countryside for its landscape, natural resources and ecological value, as well as its intrinsic character and beauty.
17. The Inspector for 2017 appeal did not find conflict with Local Plan Policies S1 and S2. Nor did the Council refer to Local Plan Policy S2 in the first RfR. However, I am of a similar view as the Inspector in a recent appeal decision⁷ provided by the appellant. In that appeal the Inspector considered the spatial strategy as set out in Policies S1, S2 and S8, taken together, is to direct the majority of new housing to within or adjacent to the three main settlements, and to allow only limited growth in villages, and to restrict development, particularly market housing, on sites outside settlement boundaries.
18. I understand that the appeal site was more recently put forward for consideration to be allocated for housing as part of the Council's 'Call for Sites'⁸ but it was not identified as a suitable site, nor is it allocated for housing as part of the Neighbourhood Plan, Garden suburb or strategic allocation. Although S1 and S2 do not specifically preclude housing development outside of the DSB, the proposal would not strictly accord with the aims of Policies S1 and S2 nor any of the criteria contained within Local Plan Policy S8.
19. I therefore conclude that the proposal would be in overall conflict with Local Plan Policies S1, S2 and S8. The proposal would not be in a suitable location having regard to local policies concerned with housing when considered against the locational criteria of these policies. There would be an 'in principle' policy harm resulting from the location of this development.

Accessibility

20. In the settlement hierarchy the 'larger village' is identified as a settlement with a limited range of services and opportunities for employment, retail and education and a lower level of access to public transport. St Bartholomew's Church is located close to the appeal site to the west and Great Totham Primary school is over a

⁷ Appeal Ref: APP/X1545/W/23/3331398

⁸ Call for Sites Housing and Economic Land Availability Assessment: Site WBS2 (HELAA WBS2)

mile away. There is a limited, but reasonable range of small shops, facilities, services and bus stops in the village of Wickham Bishops for limited day to day requirements. These are primarily located along The Street.

21. A requirement of Local Plan Policy S1 is to minimise the need to travel and prioritise sustainable travel. The Neighbourhood Plan Policy WBF 02 sets out, amongst other things that development proposals should deliver safe pedestrian and cycle connections to the wider area, key destinations, and where practicable connections to public transport. The Neighbourhood Plan Policy WBF 03 requires development proposals to take account of the capacity of the local highway network. Development proposals which would have an unacceptable impact on the efficiency of the local highway network in general, and on its safety in particular are not supported.
22. Whilst the 2017 appeal was dismissed, the previous Inspector examined the proposal and considered that the appeal site was located within one of the districts more sustainable villages. I am not of the view that access to facilities and services has significantly changed since this time. Due to the distance, relatively flat nature of the roads and presence of continuous residential development, the routes to The Street and towards Maypole Road do not feel secluded and inaccessible. The appeal site is not and does not feel remote from the village facilities and services and public transport options despite exceeding recommended walking distances and guidance⁹ to bus stops.
23. As a separate matter to highway safety, accessing the village services and facilities would not be a particularly easy walk for all pedestrians, particularly those with mobility issues and younger children. This is due to the intermittent and unlit nature of the footways. In my view their nature would extend walking time and be less convenient than a consistent footway with dropped kerbs and dedicated crossing points. It is therefore likely residents of the proposed development would be more reliant on private modes of transport to access day to day services or the local primary school. This would particularly be the case during darker mornings, evenings and inclement weather.
24. However, like in many rural villages, it is evident that residents currently will need to walk on the carriageway. The nature of the footpaths would not preclude some future occupiers being able to walk particularly as the missing lengths of footway on Church Road and Blacksmiths Lane comprise only short sections. Private vehicle journeys to the village centre, school, main town of Maldon and nearby Witham would be relatively short. Overall, the way the services would be accessed is not a particularly unusual arrangement for a larger rural village. Such facilities would not be accessed differently than by existing residents within the immediate vicinity of the site who also have to use these routes.
25. The proposed footways across from the appeal site entrance would provide some improvement to accessibility links for existing residents in the area and future occupiers of the appeal scheme. Cycling to nearby services and facilities would be possible. Bus stops within the village despite being beyond recommended walking distances provide a service with a limited timetable but at least six days per week.

⁹ The Department of Transport publication Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure dated December 2021; CIHT publication Buses in Urban Developments dated January 2018 and The Essex Design Guide Designing Streets in Support of Buses.

26. Although not cited by the Council as a RfR, concerns about highway safety have been raised by interested parties. In particular the safety of accessing services and facilities, the access into the site and the likely effect on traffic generated on surrounding roads. These alongside the appropriateness of the appellant's technical evidence and the views of ECC LHA have been raised as concerns.
27. Although visibility at the access may not be fully in accordance with guidance contained in the Manual for Streets documents I have no evidence that relaxation of these and other guidance is not acceptable in certain circumstances where the local road environment allows. The ECC LHA consider the proposal has appropriate geometry and visibility splays onto Church Rd for the speed of the road.
28. I could see that Church Road is narrow in places and curves. Passing cars and larger vehicles could result in overrunning the verges within the visibility splays. However, in the event vehicles pass here the amount of time a vehicle would be within this area would be likely to be brief. It is likely that drivers on Church Road would have to slow down because of the road width and they would be able to see the marked road mouth and pedestrian footways at the site access. Based on the evidence before me and the observations during my site visit, I am satisfied that the design of the access, either as submitted or amended would be satisfactory. Moreover, this is largely consistent with the previous Inspector who found the similar site access to be acceptable.
29. The 2023 traffic flow survey results were lower than those from the original 2015 survey. The concerns from interested parties are that the appellant's transport survey is time expired, and that the update was carried out at a time during road works and therefore is limited. This matter was addressed by the Council in their officer report. Neither they nor the ECC LHA have identified concerns. Although interested parties have indicated there has been an increase in traffic since 2015, particularly through deliveries, the Council identified that there is likelihood of people travelling to a place of work has reduced due to more people now working from home offsetting this. Although this is also cited as potentially increasing small trips to the village centre and surrounding area, it would unlikely be at the same time.
30. Mope Lane, like the surrounding rural lanes, which I drove along around Wickham Bishops are narrow, would benefit from additional passing places and could be less attractive to use. However, I have not been presented with evidence which may indicate it and other roads would not be suitable for the scale of the proposal and volume of traffic generated.
31. The ECC LHA advise they have visited the site and thoroughly assessed the submitted transport information. As a matter of importance, the ECC LHA are responsible for the safety of users of the local highway network. For their part they have stated they have no objections to the development given their acceptance of low speeds, low traffic flows and size of the development. Their conclusions are that the proposal would not be detrimental to pedestrian safety if no continuous footway connection was provided and that the development would not have a significant, or severe impact at the site or on the wider highway network.
32. The evidence does not demonstrate that visibility and traffic flows would prevent safe crossings by pedestrians of a sufficient fitness and mobility that intend to walk

or cycle to local services and facilities. Frequent users of the footway and highway are also likely to be aware of the local highway network and respond accordingly. Whilst vehicle movements and speeds are clearly of concern for local residents there is no significant evidence that road speeds are consistently high. I have no conclusive evidence that the proposal would not have a similar effect on the highway network or would be a marked change against that which the previous Inspector found acceptable. Nor that parking in the village near existing facilities would be compromised as a result of the development.

33. Whilst I accept that the appeal site is not the most accessible compared with urban sites and that opportunities for sustainable travel patterns would remain limited after the development, they are nevertheless sufficient for the scale of development proposed in this case, particularly for a larger village. There is no evidence that occupiers of affordable homes, compared to occupiers of market homes would be particularly disadvantaged by the location of the site. It is reasonable to presume registered housing providers would allocate homes to eligible households in accordance with their needs. Those who occupy market homes would also have a choice.
34. As such, taking into account the guidance in paragraph 110 of the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I am satisfied that the proposal would serve to promote sustainable patterns of development and that there is a realistic prospect that residents could utilise sustainable modes of travel and there need not be reliance entirely on private vehicles for travel.
35. I conclude that the appeal site offers a suitable and accessible location and could accommodate housing development of the scale proposed. The proposal would therefore comply with Local Plan Policies S1, S8 and D1 where they seek to maximise the provision of pedestrian and cycle routes and minimise the need to travel in accordance with the aims of sustainable development contained within the Framework. For similar reasons and as the development delivers connections to facilities and public transport the proposal would be in accordance overall with the Neighbourhood Plan Policies WBF 02 and WBF 03.

Character and appearance of Wickham Bishops

36. Embedded in the aims of Local Plan Policies S1 and S8 are the interests of protecting and enhancing the district's natural, built and historic environment and the countryside. On this vein, Local Plan Policy D1 sets out principles of good design. The Neighbourhood Plan Policy WBH 01 states that proposed development will be supported where it adheres to the design principles laid out by the Wickham Bishops Village Design Statement 2010 and the Maldon District Design Guide 2017. It sets out a list of design criteria that development proposals should incorporate.
37. The appeal site comprises grass land and is largely bounded by hedgerows and trees. Further woodland and open land beyond the appeal site provides additional, but not extensive separation to the residential streets of Wellands Close and Leigh Drive to the east. The site also has a boundary with land and homes accessed from Mope Lane to the west. The settlement is located on a ridge. The slight undulations and numerous trees distributed across the site provide an intimate, distinct and attractive area of land. The appeal site thus has some characteristics of

several landscape character areas¹⁰ and makes a positive contribution to these and to the 'Arcadian'¹¹ character of the village.

38. Development of the appeal site would result in the loss of the green field site and a significant visual change to the appearance of the land though the changes to land form and loss of landscape features. The introduction of the access roads, new dwellings, lighting, associated domestic paraphernalia would extend residential development beyond Church Road. In my view there would be localised harm arising from this. The appellant's Landscape and Visual Impact Assessment (LVIA) identified the long-term significance of the effect at Year 10 would be 'moderate adverse'. Taking the above effects into account and intended mitigation I agree with this.
39. The analysis associated with the wider viewpoints of the site in the LVIA, given the enclosed nature and topography of the site, are considered to be acceptable. The baseline assessment provides a similar discussion of the appeal site in the context of the surrounding landscape, which there is no evidence has substantially changed. It has also been put to me that an LVIA is not appropriate for an outline application, and the site itself is of higher value than identified within the appellants LVIA and therefore the categorisation of the effect on wider landscape character and local landscape character should increase.
40. I have no substantiated evidence that the appellant's LVIA, which has been undertaken in accordance with established methodology,¹² is not an appropriate tool for an outline application. There is an element of judgment required in respect of the baseline assessments and assessment of the effects of the proposed development. There is also no alternative assessment carried out in accordance with the established methodology before me.
41. The views particularly from Mope Lane are reliant on existing vegetation outside of the site. However, the established vegetation structure and mature treescape which exists results in the site being well screened. The larger properties and Mope Lane to the west of the appeal site provide some form of enclosure and edge to the village beyond the DSB. This alongside the woodland to the north of the site also enclose and separate the site from the wider countryside. The distance between the appeal site and existing homes on Mope Lane, Church Road, Wellands Close and Leigh Drive is not extensive. Overall the perceptual quality of space and separateness afforded to the village by the site in the context of the wider landscape is also limited.
42. The Council's Place Services section does not object to the loss of trees. Significant replacement planting is envisaged and retained trees can be protected. There are two nearby Grade II listed buildings, namely Abbots at 3 Church Road whose rear garden adjoins the site and the Church of Saint Bartholomew which is on the opposite side of Church Road, and whose spire is visible from within the site. Notwithstanding this, it has not clearly been evidenced that the proposal falls within any identified special views and vistas, nor as Open Space within the Neighbourhood Plan. The proposed development is sited on the western side of

¹⁰ These include: the National Character Area 111-Northern Thames Basin; the county level - Wooded Hill and Ridge Landscape; the Essex Landscape Character Assessment Area D4 - Tiptree Ridge; and the Maldon Landscape Character Assessment Area F - Wooded Farmland Landscapes and F3: Totham Wooded Farmland.

¹¹ Wickham Bishops is described by the Maldon District Design Guide (2017) as Arcadian.

¹² Guidelines for Landscape and Visual Impact Assessment 3 Edition published by the Landscape Institute and the Institute of Environmental Management and Assessment in April 2013.

the village and would not result in coalescence with any other settlement including the nearest town of Witham due to the separation afforded by the A12 road and extensive distance and intervening landscape.

43. Matters pertaining to design and local distinctiveness could be determined as part of a future reserved matters application, which can seek to meet the detailed design requirements of Wickham Bishops Village Design Statement and Maldon District Design Guide. Appropriate heights, suitable design, layout use of materials and suitable lighting could be incorporated taking into account the design principles set out in the LVIA.
44. Although anticipated densities are higher than the surrounding area, overall the indicative layout allows for areas of open space within the site and substantial planting, such that the development need not feel too urban or cramped. Although it is likely that there would be glimpsed views of homes and roofs, particularly during winter months and the appearance of the site would change, the proposal would be assimilated reasonably well with the existing homes and in terms of location would represent a compatible addition to the settlement and thus limited impact to the wider landscape. It is likely that, despite the tree loss, that the proposed substantial planting set out would start to soften the development around the edges as this becomes established. I am not of the view that the proposal would appear unduly incongruous.
45. Moreover, in the 2017 appeal the Inspector concluded that while the proposal for up to 52 dwellings on this site would alter the open character of the edge of the village, the rural character of the area would be maintained. However they did not consider that the proposal would result in an intrusion in to open countryside nor that it would adversely affect the character and appearance of the area. I agree with their conclusions on this matter. I conclude that the likely effects of the scale and location of the proposed development upon the character and appearance of the wider landscape and settlement of Wickham Bishops would not be significant.
46. I do not find that the proposal conflicts with Local Plan Policy D1 as this primarily provides criteria for good design, which could be achieved within any reserved matters application. For the same reasons I do not find conflict with Neighbourhood Plan Policy WBH 01. Nor would the proposal conflict with the Neighbourhood Plan Policy WBEn 03, which seeks to protect identified views and vistas. However, the development would result in some inevitable localised harm to the immediate site and conflict with Local Plan Policies S1 and S8. Together, these seek, amongst other things, to conserve and enhance the natural environment and for development proposals to protect the countryside for its intrinsic character. There would also be some conflict with Neighbourhood Plan Policies WBEn 02 and WBEn 04 which respectively seek to protect, retain and enhance existing trees and ensure development on the settlement edge maintains the open character.

The section 106 agreement

47. It is clearly not correct that there is no s106 as suggested by the Council in their recent comments on the updated Framework. They, alongside Essex County Council are signatories to the agreement. I have considered the s106 against the requirements in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and paragraph 57 of the Framework.

48. Local Plan Policies S1 and I1 together seek to ensure that development contributes towards local and strategic infrastructure and services necessary to support the proposed development and mitigate identified issues. In combination with Local Plan Policies H1, D1, N1, N3 and T2 these policies require on-site affordable housing, necessary infrastructure provision towards the public realm, open spaces and its management and access to services. Neighbourhood Plan Policy WBen 01 seeks to deliver the mitigation measures identified in the RAMS.
49. The Council has not provided any evidence that the s106 is not satisfactory. Having due regard to the advice contained in the officer report, the Council's statement of case and the cost rebuttal, I am satisfied that the obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the CIL Regs and paragraph 57 of the Framework. I have taken the s106 into account in coming to my conclusions in this appeal. The payments reflect the consultation responses provided by the relevant departments of the Council and Essex County Council and external consultees.
50. Interested parties are concerned about the additional residents created by the development and their effect on services and facilities. However, the s106 would adequately mitigate the effects of the proposal in these respects. I have no substantive evidence that other contributions are necessary.
51. I therefore conclude that the s106 would address the requirements for affordable housing, public open space, and contributions towards Habitats sites, healthcare, education, transport and libraries. I conclude the proposal would accord with Local Plan Policies S1, I1, H1, D1, N1, N3 and T2 the Neighbourhood Plan Policy WBen 01 referred to above.

Planning Balance

52. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise. The Framework is one such consideration.
53. The Council states that its HLS now stands at 2.70 years. The appellant has calculated a higher figure of 2.91 years. However, the Council advises that given the significant changes to the Council's HLS brought about as a result of changes to the updated Framework and Planning Practice Guide, that it can no longer reasonably defend its position regarding the HLS and the previously cited conflict with Policies S1, S8 and D1 of the Local Plan, as well as the stated Policies of the Wickham Bishops Neighbourhood Development Plan.
54. In response to the revisions to the Framework, the WBPC updated their position on the Council's Policies whilst acknowledging the Council's HLS and engagement of paragraph 11 d) of the Framework. This requires any adverse impacts of granting permission would need to significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

55. The WBAG are concerned that the Council are not now defending any RfR. I have no evidence that professional officers have not sought or needed to seek advice to provide the response of the Council. In both cases WBPC and WBAG reiterate their initial and sustained concerns regarding the proposal. Even taking into account the higher HLS position provided by the appellant and even if the Council had a three or five year HLS, it is not an upper limit. The updated Framework maintains the Government's objective to significantly boost the supply of homes.
56. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the context of an Appropriate Assessment (AA).
57. The proposed dwellings would be likely to result in additional recreational pressure locally on the sensitive coastal areas of the Essex Estuaries SAC, Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The Habitats sites are designated in order to safeguard habitats and the ecology they support. They can be disturbed by recreational activities arising from residents of new housing development within the Zol. Either on its own or in combination with other projects, the proposal could have a significant effect upon the integrity of these protected sites.
58. The RAMS incorporates strategic mitigation measures to be delivered to avoid adverse impacts, and details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. These include a range of habitat-based measures, education, communication and monitoring. Natural England, the appropriate nature conservation body under Habitats Regulation 63(3), have informed and endorsed the approach set out in the RAMS.
59. The RAMS tariff is secured by the s106, the proposal would suitably safeguard ecology both directly and indirectly. The signed legal agreement includes an index linked contribution per dwelling to fund the 'off site' measures. The monies would be payable prior to the occupation of the development. I am therefore satisfied that the proposal would not adversely affect the integrity of the protected sites.
60. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I must have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses. As well as St Bartholomew's Church and Abbots at No 3, there are numerous designated and non-designated heritage assets within the village as listed within the appellants heritage statement. However, I am not of the view that the appeal site are within their setting due to the distances and limited intervisibility between them.
61. The significance of the Church St Bartholomew's church is derived from its architectural merit, historical and communal value and relationship with the rural landscape. Although the church is some distance away from the site, like a lot of the village the visibility of the spire is apparent within the site. However, the nature of the proposed development would be at a relatively lower level and would be clearly separated by existing built development. The spire would remain the dominant view in the landscape and following development of the site it could still be appreciated. Development of the site would restrict some views within it, but

also it would introduce a greater public ability to view the church spire. The development is also within the context of the existing village homes, such that the introduction would not be out of context or harmful to its appreciation, setting or character. As this is an outline proposal only, consideration of key views of the Spire within the layout could be determined at reserved matters stage.

62. I note the indicative drawings show enhanced planting along the boundary with the graveyard associated with the church. This would be important to retain to provide a good degree of visual separation and maintain the appropriate environment for this important reflective area. This graveyard is adjacent to Abbotts at No 3. The significance of this property is derived mainly from its architectural and historical interest. The indicative area of open space and enhanced planting would limit the proximity of built development close to the rear boundary of No 3 and limit intervisibility. Although the development would adjoin the rear garden, I agree with the Council's conservation officer who has advised the application site does not form an important part of the setting of the listed building. Given the existing and anticipated enhancements I concur with the Council's view that there would be no harmful effect on the setting of the listed building.
63. The proposed development may have an impact on archaeology. However, there is no objection within the specialist archaeological advice from Essex County Council. Mitigation in the form of archaeological assessment which informs the implementation of a programme of archaeological work would ensure that any archaeological matters that arise are appropriately considered.
64. Section 149 of The Equalities Act 2010 established the Public Sector Equality Duty (PSED) to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. Submissions were made by interested parties that the proposed development would result in disproportionate effects on groups with protected characteristics, including the elderly, disabled people and young children. The potential for the access to services to be more challenging to the elderly, disabled and children would not advance equality of opportunity for accessing new homes.
65. However, at 50% the proposal would make a material contribution to affordable housing needs above the requisite 40% threshold required in Local Plan Policy H1. Even if there is less need within the village, the Council has not disputed the appellants evidence that the District as a whole is in need of affordable housing.
66. Matters such as suitable parking facilities, noise, flood risk, surface water, drainage, safety, land contamination, hazards, bio-diversity and ecology, lighting, pressure on the provision of utilities, poor road quality do not raise objections from the relevant consultees. Subject to the imposition of planning conditions, these matters can be suitably addressed as discussed in the following section. These and the contributions secured by the s106 would be neutral matters that weigh neither for nor against the development.
67. Concerns have also been raised, mainly by local residents and other interested parties. I do not underestimate the strength of feeling raised in relation to this proposal. However, some issues do not relate to planning merits or planning policy relevant to this case. There is no conclusive evidence that the restrictive covenants would prevent development on the site or land ownership would prevent

either access or the development being implemented or existing businesses to operate.

68. Other matters include the effect of the proposed development on neighbouring residential living conditions, healthy lifestyles and effect on the wellbeing of existing occupiers of the village. I have carefully considered the concerns, however the above matters and those raised by interested parties are largely identified and considered within the Council officer's report on the appeal scheme and were before Councillors when they determined the planning application. They were also before the Council when it prepared its evidence and when it submitted its case. Other than as initially set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have no substantiated evidence exists which would prompt me to disagree with the Council's conclusions in these respects.
69. I have concluded that the proposal would conflict with Policies S1, S2 and S8 of the Local Plan. Granting planning permission for this proposal would be at odds with paragraph 15 of the Framework, in that the planning system should be genuinely plan-led. However, as the Council can no longer demonstrate a 5 year HLS, the location of the appeal site adjacent to the DSB of the larger village within the settlement hierarchy of Wickham Bishops, the weight to be attached to this conflict is limited.
70. I have also found that the proposed development would have a moderate level of visual harm on the site, existing trees and open space at the edge of the village and would therefore conflict with Local Plan Policies S1, S8 and the Neighbourhood Plan Policies WBen 02 and WBen 04. I therefore attribute moderate weight to the harm. However, the adverse effects of the proposed development would be localised and limited to a site which would be minimised by the existing landscape and the extensive planting identified within the design principles and would not harm the wider setting of the countryside and village.
71. The Framework is clear that planning policies and decisions should aim to achieve healthy, inclusive and safe places, including through developments that allow for easy pedestrian and cycle connections. I have not found any harm in respect of highway safety through the access or vehicular movements or trips. I consider the site to have suitable access to services and facilities. I have found that the nature of the walking routes add to a deterrent rather than being demonstrable harm, particularly to those with protected characteristics, but the Framework is clear that decision making should take account of variation in the ability to maximise sustainable transport solutions between urban and rural areas. I therefore attribute limited weight to this.
72. The proposal would provide 50 homes in an accessible location. In addition, 50% of the homes would be affordable, as secured by the s106. Up to 25 homes would make a good contribution towards affordable housing. While there may be a perception that any housing or need particular to Wickham Bishops has been addressed, there is evidence of affordable housing need across the wider District and so the significant affordable housing contribution of 25 homes would be a benefit even if it is only five more than the dismissed appeal. Consequently, although the Council may have delivered homes in the past, given the Council's current HLS position, the provision of market and affordable homes above the

requisite policy threshold overall would be a social benefit weighing in significant favour of the appeal proposal.

73. Economic benefits, including from direct and indirect jobs created by the proposal attract weight. In addition, I have found future occupiers would use shops and services within Wickham Bishops, thus benefiting the social and economic health of the community. However, due to the temporary nature of construction and scale of the development, I afford these economic benefits moderate weight.
74. The indicative plan demonstrates that the proposal will provide an area of public space within the site, and footway improvements which would provide some benefits for the wider community as well as future residents of the proposal. Nevertheless, I have not been provided with no quantification of the extent to which this might occur and having regard to the size and nature of the likely provision I attribute it only limited weight as a benefit.
75. Taking all of the above into consideration, the adverse impacts associated with the conflict with the development plan due to the site's location outside the DSB, the visual effect on the immediate site, while having due regard to the disadvantage that may be caused to some people with protected characteristics in terms of their choice to live in this particular development of new housing, do not significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates that permission should be granted.

Conditions

76. I have considered both the wording and reasons for the conditions suggested by the Council in accordance with the tests set out in paragraph 56 of the Framework. I have made minor amendments to some of the conditions in the interests of clarity, precision and consistency. The appellant has been provided the opportunity to comment on the pre-commencement conditions.
77. It is not necessary or reasonable to impose the Council's suggested building height condition, as it is not precise. As there is a requirement for an Ecological Clerk of Works in the condition for the Construction and Environmental Management Plan (CEMP) it has not been imposed in the condition which seeks the ecological mitigation measures. I have simply amended the condition for the development to be undertaken in accordance with the submitted ecological assessment. The CEMP needs to be pre-commencement to ensure that appropriate measure are in place before development. I have not imposed a condition requiring separate logs for the surface water maintenance as this can be covered by the imposed scheme required by the condition if necessary. For the avoidance of doubt, I have conditioned the amended access drawing.
78. Conditions requiring the approval of reserved matters and the relevant time limits, and in accordance with the approved plans and ecological assessment, are necessary to ensure development is implemented as approved [1 to 4].
79. A Construction Environmental Management Plan [5] is necessary to ensure the protection of existing wildlife. A Construction Management Plan is necessary to ensure the site can be developed safely and in the interests of the living conditions of existing residents [6].

80. There are a number of trees and hedges worthy of protection on and around the site which should be considered with reserved matters applications, and a condition requiring measures to protect them during construction and potentially be replaced would be reasonable and necessary [7], and these need to be in place before development.
81. A condition is necessary for the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation [8]. This is necessary in the interests of archaeology.
82. Drainage conditions [9 to 11] are necessary to ensure satisfactory and sustainable drainage and to prevent increasing flooding elsewhere. Land contamination conditions [12 to 14] are necessary in the interests of the environment and the living conditions of future occupants.
83. A condition requiring the submission of landscape proposals is necessary [15]. This includes the requirement for hard landscape features and boundary treatments. A bio-diversity enhancement strategy [16] is also necessary. These are in the interests of the visual amenity and ecology of the site and area.
84. A condition requiring parking, including electric vehicle charging points [17] and superfast broadband infrastructure [18] are necessary in the interests of the amenity of the site and to further support sustainable development. A condition for the detail of the access drawing and cycle storage [10 to 20] are necessary in the interest of the amenity, highway safety and to support sustainable transport options. A scheme for lighting [21] is necessary in the interests of the amenity of the development and ecology at the site. A condition requiring a surface water maintenance plan [22] is necessary in the interests of the amenity and flood risk. A scheme to further support sustainable modes of transport in the form of an information and travel pack [23] are also necessary.
85. The provision of 10% of homes to be capable of being suitable for wheelchair users and all other homes to meet the accessible and adaptable dwellings [24] is necessary. However, alongside this I find that a dwelling mix condition [25] is necessary and reasonable in seeking to ensure a balanced mix of housing which meets a range of local needs.

Conclusion

86. The proposed development would conflict with the development plan. When assessed against the policies in the Framework as a whole, the adverse impacts do not significantly and demonstrably outweigh the benefits of additional homes in a suitable location. For the reasons given above the appeal should be allowed.

K Williams

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans and details except insofar as may be otherwise required by other conditions to which this permission is subject: DRWG: P22-3185_DE_001__10 Site Location Plan and DRWG: 06327-TR-0001-P6 Access Plan.
- 4) The development shall be carried out in accordance with the details contained in the Ecological Assessment Ecology Solutions, 6746.UpEcoAs.vf June 2023, unless as may be otherwise require by other conditions to which this permission is subject.
- 5) No development shall take place until a Construction Environmental Management Plan (CEMP) plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but is not limited to:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones;"
 - c) practical measures (both physical measures and sensitive working; practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) the role and responsibilities on site of an Ecological Clerk of Works or similarly competent person; and
 - h) the use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.
- 6) No development shall take place, including any works of demolition, until a construction method statement has been submitted to, and approved in writing by the local planning authority. The Statement shall include, but is not limited to:
 - a) details of safe access into the site;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) wheel washing facilities; and
 - f) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- a) an Arboricultural Method Statement (including drainage service runs and construction of hard surfaces); and
- b) a tree protection plan.

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the Local Planning Authority. The tree protection measures shall be carried out in accordance with the approved detail.

- 8) No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

- 9) No development except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:

- a) verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The Construction Industry Research and Information Association (CIRIA) Sustainable Drainage Systems (SuDS) Manual C753;
- b) limiting discharge rates to 1.7l/s for all storm events up to and including the 1 in 100 year rate plus 45% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated;
- c) demonstrating the capacity of the receiving ditch to accept and discharge the flow;
- d) the provision of sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- e) demonstrating that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event or demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change;
- f) final modelling and calculations for all areas of the drainage system.
- g) the appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;

- h) detailed engineering drawings of each component of the drainage scheme;
- i) a final drainage plan which details exceedance and conveyance routes, finished floor level and ground levels, and location and sizing of any drainage features; and
- j) a written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 10) No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater and prevent pollution has been submitted to, and approved in writing by, the local planning authority. Once approved the development shall be constructed and implemented in accordance with the approved details.
- 11) No development, other than demolition shall take place until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved scheme prior to the first occupation of the development.
- 12) No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved by the local planning authority in writing. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - a) a survey of extent, scale and nature of contamination; and
 - b) an assessment of the potential risks to:
 - human health;
 - property existing or proposed including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land, Groundwaters and surface waters,
 - ecological systems
 - archaeological sites and ancient monuments; and
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.
- 13) Where identified as necessary in accordance with the requirements of condition number 12, no development shall take place, other than that required to historical environment has been submitted to and approved by the local planning authority in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify

as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the remediation scheme have been implemented. Exceptions may apply where remediation is incorporated as part of the wider development and cannot be completed prior to commencement. Such circumstances shall be highlighted in the remediation scheme submitted for approval.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and the Environment Agency's 'Land Contamination Risk Management' guidance.

The remediation works shall be carried out prior to commencement of the development unless where commencement is required to carry out remediation. The approved remediation scheme must be carried out in accordance with the details approved unless otherwise agreed in writing by the local planning authority.

Following completion of measures identified in the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the local planning authority within 28 days. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 14) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risk are found remediation and verification schemes shall be submitted to the local planning authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the local planning authority for approval in writing.
- 15) A scheme shall be submitted with any reserved matters application providing the details of both hard and soft landscape works. These details shall include, but are not limited to:
 - a) the layout and hard surfacing materials;
 - b) boundary treatments;
 - c) vehicle parking layouts;
 - d) other vehicle and pedestrian access and circulation areas;
 - e) the quantity, size, species, and positions or density of all trees and shrubs to be planted, how they will be planted and protected and the proposed time of planting; and
 - f) an implementation programme, including phasing of work where relevant.

All of the hedgerow boundaries, not required to be removed to allow for the access hereby approved, shall be protected during the course of development and retained and maintained thereafter.

The landscape works shall be carried out in accordance with the approved details prior to the beneficial occupation of the development or in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

The boundary treatment shall be completed as in accordance with the approved details before the development or home to which it relates is/are occupied and thereafter retained.

If, within a period of five years from the date of planting, the tree/shrub/hedge (or any tree/shrub/hedge planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

- 16) A biodiversity enhancement strategy for protected and priority species shall be submitted shall be submitted with the reserved matters application. The content of the strategy shall include the following:
- a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measure by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures; and
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 17) The reserved matters shall be submitted with a scheme for parking. The scheme shall include the provision and location for electric vehicle charging for each dwelling. Prior to the first occupation of each dwelling the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.
- 18) The reserved matters shall be submitted with a strategy to facilitate superfast broadband for the future occupants either through below ground infrastructure or other means. The approved method to facilitate superfast broadband shall be implemented in accordance with the approved strategy prior to the occupation of the appropriate building.
- 19) Prior to first occupation of the development the access arrangements, visibility splays and off-site highway works, as shown on DRWG: 06327-TR-0001-P6 Access Plan shall be fully implemented and maintained as such for the life of the development. It shall include, but not be limited to the following:
- a) provision of visibility splays of 2.4m x 43m clear to ground level;
 - b) a bellmouth access with a minimum of 6m radii, with pedestrian crossing points as agreed;

- c) provision of a 2m wide footway along the site frontage with a pair of dropped kerb crossing points, with tactile paving, across Church Road to the east of the access; and
- d) all widening of the existing footways shall be to a minimum width of 2m, or as wide as the existing highway boundary allows, and shall include full depth reconstruction to the existing, as necessary.

The details shall be submitted to and agreed in writing by the Local Planning Authority.

- 20) No dwelling shall be occupied until space or provision has been laid out within the site for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 21) Prior to the installation of external lighting, other than in private gardens, an external lighting strategy for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications including the luminance and spread of light and the design and specification of the light fittings) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in strict accordance with the scheme and locations set out and retained thereafter in accordance with the scheme.
- 22) Prior to the first occupation of the development a surface water maintenance scheme shall be submitted to and agreed in writing by the local planning authority. This should include but is not limited to the maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided. Once approved the development shall be implemented in accordance with the approved scheme.
- 23) Prior to the first occupation a scheme shall be submitted to the local planning authority for the provision, implementation and distribution of a residential travel information pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 24) The development hereby approved shall be carried out in a manner to ensure that 10% of proposed residential accommodation, including affordable housing, hereby approved, comply with building regulation M4 (3) 'wheelchair user dwelling'. The remainder of the dwellings in all tenures should meet the M4 (2) 'accessible and adaptable dwellings' standard.
- 25) The dwelling mix for the development hereby approved shall be agreed as part of the reserved matters application and shall be in accordance with the housing mix requirements set out within the Maldon District Local Housing Needs Assessment 2021 unless otherwise agreed by the local planning authority.

End of Schedule