



# **Comments of Commercial Estates Group (CEG) on Maldon Draft Local Development Plan 2014-2029 Submitted by CODE Development Planners Ltd**

10<sup>th</sup> October 2013.

## **Introduction**

CEG is working in partnership with the landowners and is promoting development of the land known on site S2a as part of the South of Maldon Garden Suburb.

CEG are also seeking to work with the adjoining landowners/developers of sites S2b and S2c in order to achieve a comprehensively planned Garden Suburb in accordance with the Masterplan principles referred to in paragraph 2.41 of the draft LDP.

The policies of the draft Local Development Plan are largely supported. The representations though raise a number of points which the Council is urged to note. The principal points include:

- Site S2a is capable of accommodating a higher number of homes than policy S2 assumes. This may be necessary if the site were required to meet higher district totals or re-distribute homes from other settlements;
- Site S2a could deliver homes either as part of the wider Garden Suburb or on its own without the need for any major or insurmountable infrastructure improvements and within a density which would fully respect and further the principles of a Garden Suburb;
- Site S2a could deliver homes on a speedier trajectory than indicated in policy S2;
- The total district housing requirements, while lower than the objectively assessed housing need are rightly identified as minimum figures;
- The lack of detailed viability information related to the delivery of specific sites means that policies S4, H1 and any other policies related to the provision of facilities must contain reference to the need to carry out specific viability testing and that provision of policy aims is always subject to the development remaining viable.
- We do not believe there has been sufficient up to date viability testing of site S2a and the South of Maldon Garden Suburb to enable policy H1 to confirm the ability to deliver 40% affordable housing particularly in light of the other requirements to provide a high quality Garden Suburb development.

# Comments on Policy S1

We support Policy S1 and particularly its reference to a positive approach towards achieving sustainable development as set out in the National Planning Policy Framework (NPPF).

Site S2a provides a sustainable location for the creation of a new community. We consider that it achieves the key principles set out in Policy S1, as follows:

- **Healthy and competitive economy.** The site provides the opportunity for businesses. There is the potential for around 3.28 ha of new employment land in a location that will be attractive to businesses (located on the A414 corridor between Maldon and Chelmsford). Development of the site would also provide further employment opportunities through the new shops and proposed school within the site. The development as a whole would provide an attractive gateway to the town, which would further improve first impressions of Maldon for visitors and future investors.
- **Deliver a sustainable level of housing growth.** The site provides the opportunity to comprehensively deliver up to approximately 1400 new homes, including family and affordable housing. Provision of this number of homes could be achieved on the basis of all principles related to sustainable development and Garden Suburbs. The number of units that the site can accommodate could also provide the opportunity for choice in terms of design and size. This housing would also be in a highly sustainable location, due to its close proximity to the existing employment and retail area to the north, as well as the community centre on Sunbury Way. The facilities on site also provide day to day facilities within walking distance of the houses on the site.
- **Promote effective use of land and planned growth as Garden Suburb.** The site has been identified as a Garden Suburb, therefore, it fulfils this criteria.
- **High quality design.** We support the principle of high quality design. This site is identified as a Garden Suburb, which should achieve a certain level of design quality, including, as identified in the TCPA Guide on Garden Cities:
  1. Imaginatively designed homes with high quality gardens
  2. Generous green space including a surrounding belt of countryside, well-connected parks, open spaces and tree-lined streets

The site not only has the potential to achieve the above Garden Suburb principles, but also to pay reference to the existing architecture of Maldon.

- **Local services and facilities.** The site has the potential to provide local services and facilities, including:
  - A local centre (potentially comprising local shops, community centre, healthcare)
  - A primary school (2.5 form entry)
  - An employment area
  - Sports pitches
  - Allotments
  - Public open space
- **Historic environment.** The site has no adverse impact on the town's historic environment. The masterplan can be designed in such a way to ensure that views from it towards the skyline (comprising the church spires) are maintained, thus ensuring that a sense of place is achieved, despite being an edge of town location.

- ***Sustainable modes of travel.*** The site is well connected by existing pedestrian/ cycle links, with existing east-west Public Right of Way links further supported by north-south links which can be developed through the masterplan. These can then connect into the wider footpath network which link the site to both town and country. Due to its size, the site can also offer a mix of uses including shops, thus preventing the need to use the car for day to day needs. Furthermore, its size also provides future opportunities for bus routes to and through the site and onwards towards both the town centre to the north and other settlements (such as Chelmsford) to the west.

## Comments on Policy S2

### Objectively Assessed Housing Need

We note that Policy S2 identifies a number of homes to deliver well below that identified in the Strategic Market Housing Assessment (SHMA). While it is conceded that the identification of an objectively and robustly assessed housing requirement needs consideration of a number of separate evidence bases and that some sensitivity testing is advised, the chosen figure of 4,410 homes (294 per annum) is substantially below that identified in the SHMA (13,935 homes 929 per annum).

Any substantial under provision of housing may have a number of important consequences. These will include:

- Restrict choice in the housing market (paragraph 49 National Planning Policy Framework (NPPF));
- Limit opportunities for home ownership (paragraph 49 NPPF);
- Restrict the provision of inclusive and mixed communities (paragraph 49 NPPF);
- Restrict the delivery of affordable housing;
- Restrict economic growth by limiting access to housing.

Notwithstanding these concerns it is noted that policy S2 makes clear that the figure of 4,410 homes is a minimum to be provided. In our view, this will give the local planning authority some flexibility in the determination of applications for planning permission throughout the Plan period.

### Settlement Approach

We strongly support the Council's approach to delivering the required growth in the form of development concentrated on the edge of the principal settlements of Maldon, Heybridge and Burnham-on-Crouch. This is clearly the most sustainable approach to meeting growth requirements and is entirely in accordance with the advice contained in the NPPF.

### Distribution of Housing Numbers

The precise distribution of homes between the settlements as detailed in policy S2 is not objected to. It is important to note that following extensive assessment the site south of Limebrook Way (Site 2a), in conjunction with sites S2b and S2c, is suitable and available to deliver more than the minimum 1,140 homes allocated to it without the need for any major or

insurmountable infrastructure improvements and within a density which would fully respect and further the principles of a Garden Suburb.

### Housing Delivery Trajectory

It is noted that policy S2 indicates a projected phasing of the development in Maldon, Heybridge and Burnham-on-Crouch. We assume that this is for indicative purposes only. It would be entirely inappropriate for the policy to restrict timing of delivery on the allocated sites. The developers of site S2a believe that there are no infrastructure, landownership or market reasons to believe that homes could not be delivered on a speedier trajectory than indicated in the policy.

## Comments on Policy S3

We support Policy S3 and believe that the principles of place shaping should rightly be addressed in policy.

Site S2a provides an excellent opportunity to create a new Garden Suburb at Maldon which can be a high quality, vibrant and distinctive neighbourhood that will complement and enhance the character of the district. We consider that Site S2a can incorporate the following principles as set out in Policy S3. These are:

- **Provision of homes, jobs and community facilities.** The site offers the opportunity to provide a wide range of uses that will combine to create a comprehensive and well planned scheme. These include:
  - Between 1140 and 1400 new homes (both private and affordable)
  - A local centre (potentially comprising local shops, community centre, healthcare)
  - A primary school (2.5 form entry)
  - An employment area
  - Sports pitches
  - Allotments
  - Public open space
- **A strong landscape character.** The site can be designed to meet key Garden Suburb principles including:
  - Open space (e.g. neighbourhood greens, cricket/ sports pitches, green buffer areas and allotments)
  - Tree-lined streets (particularly along the main boulevards to help with legibility and street hierarchy)
  - Natural areas for amenity and wildlife (including an east-west green spine protecting the existing hedgerow and providing SUDS)

The development proposals could allow for generous areas of open space (both informal and formal), the integration of wildlife habitat and new tree planting across the site, within open space and residential streets, as part of a comprehensive Green Infrastructure Strategy. Planting species can be chosen which are suitable for climate change.

The development could be strongly influenced by variations in landscape character within the site. Broadly, the site may be divided into two distinct landscape character areas, either side of the disused railway line. East of the site the land is open and arable in character, whilst to the west the land is semi- enclosed and screened to the south by a

wooded backcloth. This is recognised in the Landscape Character Assessment of Chelmsford Borough Council (2006).

- **Protection and enhancement of the historic environment.** The site has no adverse impact on the town's historic environment. The masterplan can be designed in such a way to ensure that views from it towards the skyline (comprising the church spires) are maintained, thus ensuring that a sense of place is achieved, despite being an edge of town location.
- **A clear, harmonious relationship between town and country.** There is currently a poor existing urban edge to the south of Maldon, which is recognised in the Landscape Character Assessment for Maldon District 2006. This states that '*Farmland stretches right up to the urban edge of Maldon with no transition*'. The site offers the potential to improve the transition through the informal arrangement of development parcels and lower density development in conjunction with fingers of informal parkland, open space and wet areas for local flooding.
- **High quality and characterful architecture.** The site has the potential to create a high quality and characterful development. The size is of sufficient scale to enable the creation of various character areas within and also offers the opportunities for varied architectural styles that not only pick up on the design principles of Garden Suburbs (low-medium density housing, set within generous gardens with tree-lined streets and public open spaces), but also understands and has reference to the existing architectural style and vernacular in the historic and central parts of Maldon today.
- **Connected local centres.** As referred to above, the site has the potential to provide a new local centre of sufficient size and scale to serve its population as well as the surrounding neighbourhood (thus ensuring full integration into Maldon). The local centre can be located on any main spine through the site which enables bus operators to run a service through the development and up towards the town centre.
- **A network of safe and useable paths and streets.** The site benefits from existing Public Rights of Ways that run in an east-west direction across the southern edge of the site and connects into the wider area. There is also an existing link under the central nature reserve. The site then offers the potential to provide a permeable network of streets and paths that provide direct access to locations such as the new local centre, primary school, open space and employment area as well as the existing shops, employment areas and residential neighbourhoods to the north. It also allows the opportunity to create a perimeter block structure layout, thus ensuring that streets and paths are overlooked and feel safe.

# Comments on Policy S4

## Provision of Infrastructure Improvements

Policy S4 requires strategic developments in the South of Maldon Garden Suburb and Strategic Allocations to deliver:

- A new 2.5 form entry primary school;
- A new 56 place early year and childcare facility;
- Necessary contributions toward the sufficient expansion of the Plume School;
- A new relief road to the north of A414 at Wycke Hill; and
- Provision for Class B use employment lands

Following assessments of the infrastructure requirements to deliver Site S2a it is accepted that the most appropriate location for the primary school, early year and childcare facility and the majority of the Class B employment uses is within Site S2a. Contributions towards necessary expansion of the Plume School may be made through either a S 106 Agreement or the Community Infrastructure Levy (CIL) payment regime. Detailed assessments of road and junction capacity confirm that the successful development of Site S2a does not require a new relief road to the north of A414 at Wycke Hill. Further discussions may be necessary to consider how such a relief road might relate to the South of Maldon Garden Suburb as a whole.

In response to the requirements for the Garden Suburb, Site S2a can:

- Incorporate public transport routes through the development – linking the local centre and housing on the site with the surrounding neighbourhoods and town centre.
- Enhance existing walking and cycle routes that run through the site as well as new internal routes that link in with the wider area, particularly to the north and west.
- Accommodate local healthcare facilities on site and within the local centre (if ultimately required and based on discussions with the relevant stakeholders)
- Provide a local/ community hub that is fully integrated into the development. It can be designed in a way that ensures that it is of a scale and layout that knits into the urban structure and fabric of the site, as opposed to a pavilion style development sitting within a large expanse of car parking
- Provide and enhance the green infrastructure. The existing green infrastructure (hedgerows, ditches) will be retained and enhanced. Indeed, they will form a key east-west green spine through the centre of the site. Buffer areas can be provided along the edges of the development that face onto the existing nature reserve. In addition to this the site offers multiple opportunities for new green infrastructure, be it formal (sports pitches, allotments, neighbourhood greens) or informal (ANGST, natural green space).

## Viability Issues

Development of the South of Maldon Garden Suburb and individual sites within it will require more detailed assessments of viability as schemes are prepared. Provision of key infrastructure improvements such as for education, highways, green infrastructure, sewerage, and medical facilities and the provision high quality design must take precedence over the provision of high ratios of affordable housing. See comments on Policy H1.

The emerging Local Plan documentation is accompanied by a Local Plan and Community Infrastructure Levy Viability Study dated August 2013 and prepared by HDH Planning and Development. The Study necessarily at the early stage of a development process makes a number of assumptions which will require further testing. The Study states at paragraph 3.2 that the viability methodology used has involved *“preparing development appraisals for a representative range of sites and representative strategic sites, and using these to assess whether sites are viable.”* These sites were then *“modelled based on discussions with Council Officers, the existing available evidence supplied to us [authors of the Study] by the Council, and our own experience of development”*.

Paragraph 9.1 of the Study explains that *“...this is a high level study that is seeking to capture the generality rather than the specific.”*

The lack of detailed viability information related to the delivery of specific sites means that policy S4 and any other policies related to the provision of facilities must contain reference to the need to carry out specific viability testing and that provision of policy aims is always subject to the development remaining viable.

This is entirely in line with paragraph 173 of the NPPF, which states: *“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”*

## **Comments on Policy H1**

We object to the requirement of policy H1 for the South of Maldon Garden Suburb allocation to provide 40% affordable housing.

We do not believe there has been sufficient up to date viability testing of the ability of the site to deliver such levels of affordable housing, particularly in light of the other requirements to provide a high quality Garden Suburb development.

By its own admission, the Viability Study, which accompanies the draft Local Development Plan is *“a high level study that is seeking to capture the generality rather than the specific”*.

Paragraph 173 of the NPPF states: *“Pursuing sustainable development requires attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable”*.

Reference in the policy to any relaxation being considered if fully justified by an independent site-specific economic viability assessment is welcomed but needs to be applied to a lower and more site specifically tested realistic assessment of an affordable housing target.

