



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 JULY 2018**

Application Number	RES/MAL/18/00558
Location	Manor Farm The Avenue North Fambridge Essex CM3 6LZ
Proposal	Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings)
Applicant	David Wilson Homes
Agent	N/A
Target Decision Date	3 August 2018
Case Officer	Yee Cheung
Parish	North Fambridge
Reason for Referral to the Committee / Council	Member Call In by Cllr White

1. RECOMMENDATION

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Manor Farm The Avenue North Fambridge

RES/MAL/18/00558



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Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 27/06/2018

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1 The application site comprises farm buildings which have been unused for a number of years as part of an agricultural holding and an area of grassland. Adjoining the site, but outside of the application area is the Manor Farm farmhouse which is to be retained in residential use. Adjoining the farmhouse also on The Avenue frontage is a brick built former stable block which is currently used for storage ancillary to the dwelling. The remaining buildings lie behind the road frontage and are clustered along the western boundary of the site. These are agricultural style buildings which are used for the storage of a variety of materials and machinery, including hay. There are also areas of concrete hardstanding. The total site area is 1.25 hectares.
- 3.1.2 The site lies to the south of The Avenue which is the main residential street in the southern part of North Fambridge. The Avenue is residential in character with detached dwellings set back from the road on large plots. To the west of the site are properties in Brabant Road which are also detached on large plots. These properties typically have rear gardens in the order of 40 metres and there is mature vegetation along the common boundary with the application site. The eastern boundary of the site comprises a mature hedgerow and the southern boundary is a low broken hedgerow.
- 3.1.3 In the Local Development Plan (LDP), the application site is within the defined settlement boundary of North Fambridge. To the south is the Crouch and Roach Estuaries Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Blue House Farm which is a Local Nature Reserve run by the Essex Wildlife Trust lies to the east beyond Blue House Farm Chase. The application site lies in Flood Zone 1.
- 3.1.4 Outline planning permission with all matters reserved was granted in 2016 (**OUT/MAL/14/01018** dated 11 January 2016) for the proposal of up to 30 dwellings to be erected on this site. The outline planning application was granted subject to an Unilateral Undertaking Legal Agreement to secure a School Transport Contribution and 30% of the dwellings at the site to be affordable housing. It is important to note that the principle of development on this site has been established by virtue of outline planning application **OUT/MAL/14/01018** approved by the Council. While the Council can now demonstrate a Five Year Housing Land Supply this does not count against the scheme.
- 3.1.5 A Reserved Matters application was recently refused for the approval of access, appearance, landscaping, layout and scale on approved planning application **OUT/MAL/14/01018** (Outline planning application for up to 30 dwellings) under reference **RES/MAL/17/00766**. The reason for refusal is set out below:-

‘The proposal would result in a housing mix which would fail to accord with the requirement of Condition 28 of outline planning permission OUT/MAL/14/01018 or with the Council's Strategic Housing Market Assessment (SHMA 2014). As such, the proposal would fail to provide a sustainable, mixed community as required by Policy H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’

3.1.6 This current Reserved Matters (RM) application is a resubmission following the refusal to seek the approval of access, appearance, landscaping, layout and scale for the development of 30 dwellings on this site as well as addressing the housing mix which will be discussed later in the report.

3.1.7 The Accommodation Schedule submitted (746.500.Rev 10) shows that out of the 30 dwellings proposed, 21 would be open market dwellings and 9 would be affordable housing. The housing mix is shown in the table below:

	Open Market Houses	Affordable Houses
3 x 5 beds	3	
6 x 4 beds	6	
2 x 3 beds	0	2
19 x 2 beds	12	7
Total: 30	21	9

3.1.8 The vehicular and pedestrian access point to the site would be to the northern corner / to the north west of Manor Farm to serve the future occupiers of development.

3.1.9 An open public space is provided within the site and will be sited to the rear of Manor Farm, Orchard House and next to Copperfields. Plot 30 to the south of the site would flank onto this open public space.

3.1.10 A dwelling (Plot 1) is proposed and fronts onto The Avenue. The proposed dwellings within the site (Plots 2, 3, 4, 5, 7, 8, 9, 10, 15, 16, 17 and 18) all back onto existing properties on Brabant Road. Plot 6 and Plot 11 attached to Plot 12 (both affordable housing) flanks onto existing properties on Brabant Road to the west. Plots 19 and 20 back onto open countryside to the south. Plots 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 all share their rear boundary to the east. The remaining plots, Plots 13 and 14 are located fairly central within the site. Plot 13 flanks onto the internal road network where Plot 14 fronts onto the internal road when (also known as the shared surface as shown on the Proposed Masterplan Drawing No: 746.201.Revision 20 dated 30.04.2018).

3.1.11 Landscaping is introduced in the form of trees and hedges within and around the perimeter of the site to strengthen the existing natural boundary treatment. New trees are introduced and would align the shared surface on both sides.

3.1.12 Based on the plans submitted, it is noted that detached and semi-detached dwellings and bungalows are to be constructed within the site. All the open market dwellings

would be two-storeys in height and range between 7.8 metres and 9.3 to ridge level. Out of the nine affordable units, Plots 11, 12 and 13 would be single-storey in height and approximately 6 metres to ridge level. Based on the Master Plan No: 746.201.Revision 20 dated 30.04.2018 and the elevational drawings submitted, no rooms in the roof spaces are being proposed as there are no roof lights or dormer windows shown on the roofs of the development. The density of the development proposal is 33dph and it is noted that 0.13 hectare of the site would be public open space.

- 3.1.13 The vast majority of houses will have garages, available private amenity space and off-street parking. Plots 7, 8, 9, 10 and 14 will have parking spaces directly to the rear of the properties where Plots 1, 6, 11, 12, 13, 15, 16 and 20 will have parking spaces to directly to the front. The remaining properties (Plots 2, 3, 4, 5, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30) have off-street parking in the form of garages and spaces to the side of the house.
- 3.1.14 It is proposed that the dwellings and garages would be constructed using red multi bricks, yellow bricks, white boarding or render. Roof tiles would either be red plain tiles or grey plain tiles in accordance with Drawing No: 746. 204.07 dated 27.04.2018.
- 3.1.15 A S106 legal agreement was secured at outline planning permission stage requiring a financial contribution towards school transport and affordable housing (30%). This legal agreement and all planning conditions on the outline consent **OUT/MAL/14/01018** will still apply.

3.2 Conclusion

- 3.2.1 The principle of the application site accommodating up to 30 dwellings to be erected on this site has already been established through the granting of outline planning permission **OUT/MAL/14/01018** with all matters reserved for subsequent consideration. Having taken into account the plans submitted in support of the Reserved Matters application for access, appearance, landscaping, layout and scale, it is considered that the details would be acceptable.
- 3.2.2 In the previous Reserved Matters application **RES/MAL/17/00766**, the application was refused on the basis that the housing mix had failed to meet the need of the District. In this resubmission, while the housing mix is not entirely in accordance with the SHMA, the number of smaller units proposed is considered as an improvement when compared to the previous scheme. The proposal would therefore assist the needs for the District in accordance with Policy H2 of the Maldon District LDP, Condition 28 of outline planning permission **OUT/MAL/14/01018**, and Government guidance contained in the National Planning Policy Framework (NPPF).

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 1 – Building a Strong, Competitive Economy
- 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
- Annex 1 – Implementation

4.2 Maldon District Local Development Plan approved by the Secretary of State on 21 July 2017

- S1 – Sustainable Development.
- S2 – Strategic Growth.
- S8 – Settlement Boundaries and the Countryside.
- D1 – Design and Quality and Built Environment.
- D2 – Climate Change and Environmental Impact of New Development.
- D4 – Renewable and Low Carbon Energy Generation.
- D5 – Flood Risk and Coastal Management.
- H1 – Affordable Housing.
- H2 – Housing Mix.
- H4 – Effective Use of Land.
- N2 – Natural Environment and Biodiversity.
- T1 – Sustainable Transport.
- T2 – Accessibility.
- I1 – Infrastructure and Services.

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Essex Design Guide (EDG)
- Car Parking Standards
- Maldon District Design Guide (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Outline planning permission was granted in 2016 with all matters reserved for the construction of up to 30 dwellings on this site (**OUT/MAL/14/01018**) and as such the principle of development of the site for residential development has been established and is therefore acceptable subject to other material considerations.

- 5.1.2 Previously under the Reserved Matters application **RES/MAL/17/00766**, letters of representation were received referring to the modifications in the approved LDP where the Rural Allocation element for 75 dwellings was deleted by the Secretary of State under Policy S2 ‘Strategic Growth’. Further, it was commented that now the Council can demonstrate a Five Year Housing Land Supply, this current application **RES/MAL/17/00766** and the Reserved Matters application **RES/MAL/17/00776** at land to the west of Fambridge Road should no longer be considered.
- 5.1.3 As mentioned above in Paragraph 5.1.1, the principle of residential development has been established by virtue of outline planning permission **OUT/MAL/14/01018**. The current application is a Reserved Matters application following from the outline approval for all matters reserved. The matters of access, appearance, layout, scale and landscaping in this application for the construction of 30 dwellings on this site are to be considered.
- 5.1.4 Concerns such as the sustainability of the site were also previously raised. This issue was addressed in the outline planning application **OUT/MAL/14/01018** and application **OUT/MAL/13/00473** previous to that. Further, in the appeal decision APP/X1545/A/14/2223566 dated 3 December 2014, the Planning Inspectorate (PI) only dismissed the appeal because of the *‘proposal would not adequately provide for affordable housing it would fail to meet the needs of the community and would not be sustainable’*. For that reason, the PI concluded that *‘the harm in terms of affordable housing would outweigh the benefits in terms of overall housing and infrastructure provision’* and only on this basis the appeal was dismissed. The matter of sustainability of the site was otherwise considered acceptable.
- 5.1.5 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of 5 years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise. However, it should also be noted that the requirement to have a 5 year housing land supply should be viewed as a minimum provision rather than a maximum therefore additional housing can be supported. Furthermore, as highlighted above, the principle of providing up to 30 dwellings on the site is considered acceptable and has been established.
- 5.1.6 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The LDP through the preamble to Policy S1 reiterates the requirements of the NPPF. Policies S1 and S8 of the LDP seeks to direct development within defined settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District’s landscape. In this instance, the proposal falls within the defined settlement development of North Fambridge. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed in the report below.

Reserved Matters to be addressed (Access, Appearance, Landscaping, Layout and Scale)

5.2 Access

- 5.2.1 The proposed single access point is from The Avenue and creates a cul-de-sac. All modes of transport will be entering and leaving the site from this single access point i.e. pedestrian, cycle and vehicle. The site is bounded by existing dwellings and private gardens to the west, north and part of the north eastern boundary. The remaining eastern boundary and southern boundary are adjacent arable fields bounded by existing hedgerows. Based on the Master Plan submitted (Drawing No: 746.201.20 dated 30.04.2018) it shows one single route (shared surface) running north to south through the site with private drives, shared drives and a turning area (Size 3 Turning Head) extending from it.
- 5.2.2 This single access point was shown on the indicative plan (Drawing No: b/PvPTheAvenue.0/01 dated August 2013) which formed a part the outline planning application **OUT/MAL/14/01018** submission. Accompanied with that drawing was a Transport Statement prepared by Mayer Brown Limited dated 2013 where ECC Highways had assessed the proposal and had raised no objection subject to conditions (Conditions 13, 22 and 24 imposed on **OUT/MAL/14/01018**) as the proposal had accorded with policy requirements. The access point and the visibility splays as shown in this Reserved Matters application (Drawing No: 746.201.20 dated 30.04.2018 and General Arrangement Plan: Drawing No: 300-02 Revision P6 dated 01.05.2018) is to be in the position as previously assessed by ECC Highway, however as the 'access' forms a part of the Reserved Matters, ECC Highway have been re-consulted regarding this application. ECC Highway has stated that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions as per the Reserved Matters application previously submitted under **RES/MAL/17/00766**. That earlier application was not refused on the grounds of access and there is no reasonable basis to reach a different conclusion in relation to this application.

5.3 Appearance

- 5.3.1 National planning policy places great importance on the design of the built environment and states that high quality design should ensure that new development is visually attractive, responsive to local character, helps to promote healthy communities, and creates buildings which are durable, adaptable, and function well within the surrounding area to create a safe and accessible environment. Good design should enable and encourage people to live healthy lifestyles, reduce the risk of crime, create accessible environments which are inclusive for all sectors of society, and increase opportunities for social interaction.
- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate.
- 5.3.3 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new

guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.

- 5.3.4 Based on the plans submitted, it is noted that detached and semi-detached dwellings and bungalows are to be constructed within the site. All the two-storey dwellings would range between 7.8 metres and 9.3 in height to ridge level. Three of the affordable units, Plots 11, 12 and 13 would be single-storey in height and approximately 6 metres to ridge level. The dwellings proposed would comprise of features such as gable ends, porch canopies, window head details in the brickwork, and bay windows at ground floor to create visual interest in the street scene.
- 5.3.5 In the Applicant's Design and Access Statement, it states that the external materials to be used in the construction of the development would be red and yellow facing brick work, render and white boarding combined with red or grey plain roof tiles. These external materials are also presented on the Materials Schedule dated 10.07.2017 and listed on the Materials Plan (Drawing No: 746.204.07 dated 27.04.2018). It has been suggested that the mixture of the materials to be used along with the varying design of buildings would create visual interest to the street scene. On the External Works Plan (Drawing No: 746.231.07 dated 05.06.2018), it shows other external materials such as paving slabs (footpaths), block paving and permeable block paving (shared surface / internal access into the site), and Asphalt (carriageway and footpaths) to be used within the layout of the site. The Urban Design Officer has assessed the palette materials to be used in the construction of the development and considers them to be acceptable.
- 5.3.6 In terms of design and appearance of the affordable housing element centrally located within the site, it is important that affordable housing is indistinguishable from open market housing. This is further emphasised in Section A 04 Key Objectives in the MDDG. Based on the Materials Plan submitted (746.204.07 dated 27.04.2018), it shows that the external materials to be used in the construction of the development will be the same as the open market dwellings (for example: For Plots 11, 12 and 13 which are to be affordable houses, the external materials and finishes to be used will be the same as Plots 1, 4, 5, 6, 15, 16, 22, 23, 24, 25, 28, 29, and 30 open market houses). In this respect, it is considered the type of and mixture of materials proposed is considered to be appropriate, the combination would also ensure variety and visual interest across the development site in accordance with Policy D1 of the LDP, Sections A 03, A 04 and C 20 of the MDDG, and the NPPF.

5.4 Landscaping

- 5.4.1 As part of the outline planning permission **OUT/MAL/14/01018**, Condition 10 was imposed where it requires hard and soft landscaping to be addressed at the Reserved Matters stage.
- 5.4.2 Condition 10 states:-

'The landscaping details referred to in Condition 1 above shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be

submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.'

5.4.3 The Reserved Matters application has been supported by the following information:-

- JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
- Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
- Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
- Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

5.4.4 The above plans show planting details which are submitted as part of the Landscape Proposals. The Tree Officer has assessed the resubmitted proposal and has raised no objection to the proposal providing that the details are strictly adhered to. Further, this is also secured by condition in the outline consent **OUT/MAL/14/01018**, together with the timing of planting.

5.4.5 In terms of landscaping within the site, the dwellings are positioned in a way that allows for some degree of planting to the frontage of the buildings. For dwellings with deep garden frontages, it is proposed that a mixture of native and evergreen planting (ornamental shrubs) be introduced ensuring maximum year round flower / fruit for bio-diversity and ecological benefits. Where dwellings have shallow garden frontages, the same mixture of planting would apply but in smaller quantities. Tree planting of native character is also proposed within the verges which softens the appearance of the development. Further, the reduction in the size of the properties by

providing smaller units (2 beds) has resulted in the development being less cramped and appear more spacious when compared to the previous scheme under **RES/MAL/17/00766** which means that there has been the opportunity for the Applicant to provide more landscaping within the site. Also, the Applicant has stated that the majority of existing hedgerows, trees and copses along the site boundaries would be retained.

- 5.4.6 The Tree Officer and the Coast and Countryside Officer were both consulted and raised no objection to the proposal providing that the details submitted are adhered to. As no objection was raised on the grounds of the landscaping proposals previously and the proposal represents an improvement it is considered that no objection should be raised to the proposal on these grounds.

5.5 Layout

- 5.5.1 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (d) Layout, orientation, and density.
- 5.5.2 Access informs 'Layout'. The proposed Master Plan shows the layout of houses in an inward orientation with principle elevations facing the access route or private drives through and within the site. Private gardens bound the west, east and southern boundaries. This layout does not allow for any permeability through the site for pedestrians and cyclists other than by the vehicle highway and as mentioned above in Section 5.2 relating to 'Access' of the officer report, all modes of transport will enter and leave the site through the single access point.
- 5.5.3 Based on the plans submitted, it shows 21 open market dwellings are detached / semi-detached with on plot parking and garaging to the front and side of each property. The nine affordable units are placed in a central position within the site. Plots 7, 8, 9, 10, 11 and 12 are semi-detached properties while Plots 6, 13 and 14 are detached properties. The built form within the plot is of similar size to the prevailing pattern of development in the locality. While it is noted that some of the proposed private amenity spaces (i.e. Plots 7, 8, 9 and 10) are smaller than existing residential properties to the north, west and north west of the site, the development complies with policy requirements contained within D1 and H4 of the LDP.
- 5.5.4 With regard to the size and layout of private amenity spaces, the EDG advises that for dwellings with one or two bedrooms, at least 50sqm of amenity space should be provided. For three / four bedrooms or more, at least 100sqm of amenity space should be provided. Policy D1 of LDP indicates that the need for amenity space in new development and this must be useable. The size and layout of private amenity spaces are also referenced under Section C 07 of the MDDG.
- 5.5.5 The detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018) show that some open market houses would benefit from private amenity areas in excess of 100m² which meets the requirement of the EDG and the MDDG. Plots 8 and 9 would have the minimum of 50sqm and meets policy requirement. In addition to the useable sized garden spaces being provided to each dwelling, there will also be access to nearby an area of open space to the north eastern corner within the development

site. Given the scale of development and the level of provision of on-site public open space, it is considered the private amenity space and the public open space are both acceptable in accordance with Policies S1, D1 and H4 of the LDP and Section C 07 of the MDDG.

- 5.5.6 Policies D1 and H4 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties.
- 5.5.7 The depth of the private amenity spaces for Plots 2, 3, 4, 5, 15, 16, 17 and 18 are of concern as the dwellings do not appear to meet the requirement in relation to back-to-back distances as contained within the EDG. In the EDG it is suggested that new houses should be set back at least 15 metres from the shared boundary with existing residential properties primarily to prevent overlooking or loss of privacy. Based on the Detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018) submitted, it shows that two-storey dwellings and falls short of the requirement in the EDG, in some instances by approximately 3.5 metres (Plots 4 and 5). Having considered the depth of the existing gardens of properties fronting Brabant Road backing onto the site where some are in excess of 40 metres it is considered the harm from overlooking directly into a neighbouring property would not be demonstrable or that privacy would be compromised to such a degree to warrant refusal.
- 5.5.8 The Council has noted that the affordable houses (Plots 6, 7, 8, 9, 10, 11, 12, 13 and 14) are centrally located within the plot and integrated within the proposed development. Whilst there are no garages proposed for the affordable houses, irrespective of this, the off-street car parking arrangements are considered acceptable as they are neatly arranged to the front, side and rear of the proposed dwellings. The Accommodation Schedule (746.500.10 dated 03.05.2018) shows that seven of the affordable units would have two bedrooms and two would have three bedrooms. Based on the Detailed Layout Plan (Drawing No: 746.202.09 dated 27.04.2018), it appears that two off-street spaces will be provided for each plot in accordance with the Council's Maldon District Vehicle Parking Standards, Policies D1 and T2 of the LDP and Section C 10 of the MDDG.
- 5.5.9 As part of the outline planning permission **OUT/MAL/14/01018**, Conditions (9 and 14) were imposed where it requires surface water and flood risk to be addressed at the Reserved Matters stage.
- 5.5.10 Condition 9 states:-

'The layout details referred to in Condition 1 above shall be designed to take account of the potential flood risk to future occupiers of the development during its lifetime (taken as a minimum of 100 years), having regard to the risk following a breach or failure of the existing flood defences for the one in 200 year event inclusive of climate change allowance. Details of the assessment of flood risk used to inform the layout shall be submitted as part of the reserved matters.'

5.5.11 As part of the Reserved Matters application, the Applicant has submitted a Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018, and Surface Water Drainage Strategy (Drawing No: 302-5 Revision B - Site B dated 15 June 2018) which discussed the flood mitigation measures such as overland flood flow, finished floor levels, safe access / egress routes, and registering with the Environment Agency's Flood Warning System.

This flood risk assessment has concluded that:

- The location at which the proposed development is within Flood Zone 1, and as such is at a very low risk of flooding from fluvial sources;
- To mitigate against the residual risk of tidal flooding, finished floor levels have been raised above the design flood level;
- Flood risk from surface water is considered very low at the site;
- Flood risk from other sources – groundwater, sewers, reservoirs and artificial sources – is demonstrated to be low;
- The development will have no impact on other forms of flooding; and
- The proposed development will increase the impermeable area on site, resulting in an increase in surface water runoff if unmanaged. Therefore off site discharge will be reduced to the 1 in 1 year greenfield rate of approximately 3.6l/s and sufficient attenuation storage will be installed to accommodate the 1 in 100 year plus 40% climate change storm event.

5.5.12 Further, the Applicant has demonstrated that the site the Sequential Test have been met, with the location of the site within Flood Zone 1 and 'Less Vulnerable' classification of the development and complies with policy D5 of the LDP, the NPPF and NPPG. The Environment Agency (EA) has been re-consulted on this current Reserved Matters application, but no response has been formally received at the time of writing this report. However, the Applicant has forwarded the Council an email correspondence dated 21 June 2018 which clearly states that EA '*would not object to the development of flood risk grounds*'.

5.5.13 In addition to the above, it is important to note that EA was supportive of the previous Reserved Matters application **RES/MAL/17/00766** for the development of 30 houses on this site. As the number of houses on this site remains the same as the previous scheme, it is not considered that this could be refused on flood risk.

5.5.14 Condition 14 states:-

'The layout details referred to in condition 1 shall provide full details and specifications of a surface water drainage scheme within the site based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Such details shall be submitted concurrently with the other reserved matters. The drainage scheme should demonstrate the surface water run-off generated up to and including the one in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The agreed scheme shall be implemented prior to the first occupation of the development.'

- 5.5.15 For Condition 14, the Applicant submitted a Flood Risk Assessment & Surface Water Drainage Strategy (132915-R7(01)-FRA-Site B dated 10 May 2018 in support of the above. Section 9 of the submitted report discusses the surface water drainage which proposes features and criteria within the site. These include the combination of cellular infiltration tanks to be located on the southern and eastern boundaries and beneath the basin in the northeast corner of the site. All soakaways will need to be designed taking into consideration groundwater levels (to prevent any interference with the water table), any potential contamination (considered unlikely on this site) and the site-specific infiltration rates; a large detention basin and its associated cellular storage tank have been strategically located within the northeast corner of the site. It has been assessed that the topography in this area is suitable for these to be sited within the plot adjacent to proposed buildings and that permeable paving can be incorporated within all minor roads and driveways. This will be used to collect and store runoff from the houses and surrounding hardstanding areas before joining the on-site surface water network that flows into the infiltration tanks and basin; and control flow device to ensure that surface water run-off into the piped watercourses would not exceed 3.6l/s.
- 5.5.16 In addition to the above, a sustainable surface water drainage strategy has been agreed in principle with the Lead Local Flood Authority (LLFA, Essex County Council) and the Environment Agency. This drainage strategy would reduce the pre-development risk of flooding to the roads and downstream properties by restricting the post-development discharge to the average annual flow rate and by removing the blockage from the existing culvert. The ECC SUDs Team and Environment Agency (EA) have both been consulted on this revised submission. The ECC SUDs Team has raised no objection to the proposal. No formal reply has been received from the Environment Agency (EA) at the time of writing this report however it is relevant to note that EA did not object to the previous Reserved Matters application **RES/MAL/17/00766** for the development of 30 houses on this site.

5.6 Scale

- 5.6.1 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion. This is also reflected in the Section C14 of the MDDG.
- 5.6.2 The dwellings proposed are of two-storey and single-storey in height. A mix of gables facing the street and ridges that run parallel to the street are proposed together with different roof heights and materials would create visual interest when viewed within the site and from its immediate surroundings. Based on the submission, it is considered the development proposal is acceptable. Moreover, subject to the impact on residential amenity is considered acceptable as discussed in Section 5.5.7 of the report.
- 5.6.3 A letter of representation has been received concerning the height of Plots 11, 12 and 13 and that the development would result in loss of light to the existing occupiers at Inala, Brabant Road. Plots 11, 12 and 13 are bungalows and will be approximately 6 metres in height to ridge level. Having taken into account the height of the development and its distance away from the rear wall of Inala of approximately 25

metres, it is not considered that the scale and height of the development would significantly impact on the residential amenity of the exiting occupiers at Inala to warrant refusal.

5.7 Other Material Considerations

Affordable Housing and Housing Mix

- 5.7.1 The previous Reserved Matters application **RES/MAL/17/00766** was refused for the following reason:-

‘The proposal would result in a housing mix which would fail to accord with the requirement of Condition 28 of outline planning permission OUT/MAL/14/01018 or with the Council’s Strategic Housing Market Assessment (SHMA 2014). As such, the proposal would fail to provide a sustainable, mixed community as required by Policy H2 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework’.

As the following housing mix was proposed:-

	Open Market Houses	Affordable Houses
5 x 5 beds	5	
9 x 4 beds	9	
3 x 3 beds	1	2
13 x 2 beds	6	7
Total: 30	21	9

In this current Reserved Matters application, the following mix has been proposed:-

	Open Market Houses	Affordable Houses
3 x 5 beds	3	
6 x 4 beds	6	
2 x 3 beds	0	2
19 x 2 beds	12	7
Total: 30	21	9

- 5.7.1 The NPPF and through Paragraph 50 identifies that local planning authorities should deliver a wide choice of high quality homes and plan for a mix of housing based on current and future demographic trends, market trends and the needs of communities. The NPPF also identifies that the type, tenure and range of housing should reflect local demand.
- 5.7.2 In terms of the Housing Mix, Policy H2 of the LDP requires that all development ‘to provide a suitable mix and range of housing in terms of size, type and tenure to reflect local housing need and demand in both the market and affordable section, particularly for the ageing population’. The Strategic Housing Market Assessment (SHMA)

provides the evidence base to the policy. Paragraph 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*”.

- 5.7.3 In accordance with the Accommodation Schedule (reference: 746.500.10 dated 03.05.2018), seven x two-beds and two x three beds affordable dwellings are proposed. The Housing Team (HT) has assessed this new mix which reflects the proposed requirements of the Strategic Housing Market Assessment (SHMA, 2014). As such, the HT fully supports this application which provides affordable housing that assists in meeting the affordable housing need of the Maldon District in accordance with Policy H1 of the LDP. This has also been secured by a legal agreement at the outline stage as already mentioned in the report.
- 5.7.4 It is noted that three x five beds, six x four beds, and twelve x two beds open market housing are proposed.
- 5.7.5 In the outline planning application **OUT/MAL/14/01018**, Condition 28 states that: ‘*Details of the proposed housing size and mix shall be submitted for approval as part of the Reserved Matters submission in respect of layout and scale as referred to in Condition 1 above. The housing size mix of the development shall be in accordance with the approved details.*’ The reason for this condition was ‘*to ensure that the housing mix accords as closely as possible with the recommendations of the Strategic Housing Market Assessment Update Final Report 2012 (or any amended or updated version relevant at the time of submission of the application to discharge the planning condition) for future property size targets within Maldon District in accordance with the guidance in the National planning Policy Framework and policy H2 of the Maldon District Local Development Plan.*’ Also, this advice was repeated at the end of the decision notice **OUT/MAL/14/01018** and therefore the Applicant is fully aware of the Council’s requirements and position in relation to the SHMA.
- 5.7.6 With regard to the Housing Mix, the Applicant’s Planning Statement dated May 2018 provided a table showing the following:-

RES/MAL/17/00766		Current Reserved Matters Application	
	Open Market %		Open Market %
6 x 2 beds	28%	12 x 2 beds	58%
1 x 3 beds	5%	None	0%
9 x 4 beds	43%	6 x 4 beds	28%
5 x 5 beds	24%	3 x 5 beds	14%
Total: 21	100%	Total: 21	100%
Housing Mix Split	21 Open Market: 70% (28% and 72% split)	Housing Mix Split	21 Open Market: 70% (58% and 42% split)
	9 Affordable Housing: 30%		9 Affordable Housing: 30%

	Affordable Housing %		Affordable Housing %
7 x 2 beds	78%	7 x 2 beds	78%
2 x 3 beds	22%	2 x 3 beds	22%
Total: 9	100%	Total: 9	100%

- 5.7.7 The Council has reviewed the submitted details and has noted that the proportion of smaller units (two bed dwellings) for the open market housing has doubled within this application from 6 to 12 units. Furthermore, as a whole, the scheme overall complies with the housing mix with the 70 / 30 split for open market and affordable housing. However, with regard to the SHMA, the Applicant has provided a 58 / 42 split instead of the 60 / 40 split to be fully SHMA compliant. The housing mix has significantly improved when compared to the previously refused scheme. Whilst it is noted that the housing mix is marginally short of the SHMA requirement when taken into the mix for the development, which is 63% and that the fact that the 2% would not amount to a single dwelling, it is not considered that this shortfall would result a demonstrable harm to such a degree to warrant a reason for refusal.
- 5.7.8 The Planning Policy Team has been consulted and has advised that given the limitations set by the number of units agreed by the outline planning permission, through discussions for the reserved matters application the Applicants have changed the housing mix for the site. It has been considered that the increase in the number of two bed dwellings from 6 to 12 and reducing the number of four bed+ dwellings from 14 to 9 would provide a housing mix that responds better to the SHMA and thus would help to provide more smaller homes for local residents in the south of the District.
- 5.7.9 Having considered the resubmission, it is considered that the current proposal has addressed the reason for refusal that was set out under the Reserved Matters application 17/00766 and therefore the application should be recommended for approval subject to conditions.

Anglian Water Services (AWS)

- 5.7.15 Letters of representation have been received concerning the foul water drainage for the site and its impact on existing residential properties in North Farnbridge. As part of the application, Anglian Water Services (AWS) has been consulted on several occasions in relation to the proposed development at this site and the development at Land to the West of Farnbridge Road (**RES/MAL/17/00776**). The most recent response from AWS was dated 14 March 2018 has advised that analysis has confirmed that the connection of flows from this development has no significant impact on the performance of the foul water sewerage system. Foul water drainage will be dealt with under the Discharge of Condition application **DET/MAL/18/05092** (Conditions 16 and 29) which is currently pending consideration and it is not to be assessed at this stage.

5.8 Other Issues

- 5.8.1 Matters relating to external materials (C.4), archaeological works (C.5), finished floor levels (C.8), tree protection (C.25), boundary treatment (C.26), and ecology (C.27) imposed on outline planning application **OUT/MAL/14/01018** were approved by the Council on 14 May 2018 at the North Western Area Planning Committee. Only the on-site construction management plan (C.12), surface water drainage system (C.15), foul water strategy (C.16), contamination (C.18), and wastewater strategy (C.29) remains outstanding and are being considered under the terms of applications DET/MAL/18/05080 (C.18 only) and **DET/MAL/18/05092** (C.12, 15, 16, and 29). These conditions have not been discharged at the time of writing this report.

6 ANY RELEVANT SITE HISTORY

- MAL/729/88 – Residential Development. Refused: 16 September 1988. Appeal Dismissed.
- 13/00473/OUT - Outline planning application for up to 30 dwellings. Refused: 11 February 2014. Appeal Dismissed on 3 December 2014
- 14/01018/OUT - Outline planning application for up to 30 dwellings. Approved: 11 January 2016
- RES/MAL/17/00766 - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/01018 (Outline planning application for up to 30 dwellings) Refused: 4 April 2018

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.7 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council (For the development of 30 houses on this site)	Concerns regarding to foul water and surface water scheme for the site The lighting scheme is hazardous to wildlife and completely out of context in the village	With regard to the foul water and surface water scheme for the site, these will be dealt with under DET/MAL/18/05092. The external lighting (C.11) is a planning condition which is not being considered under the current DET applications.

7.8 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response

Essex Wildlife Trust (EWT)	EWT has no comments to make in respect of this proposal.	This comment has been noted
Anglian Water Services (AWS)	AWS has reviewed the application and can confirm that as the proposal is in line with our recommended foul water drainage strategy, AWS has no objections and would recommend discharge of all conditions relating to foul water drainage.	Noted in the officer report
Environment Agency (EA)	No response at the time of writing this report.	It is noted that EA has responded directly to the Applicant and has raised no objection to the proposal.
ECC Highways	Please refer to previous comments dated 10 November 2017	Noted in the officer report
Natural England	No objection - The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal	Noted. Also, the ecology aspect of the development was a planning condition imposed on the outline planning application and has since been discharged by DET/MAL/17/05142
ECC SUDs Team	No objection - Refer to the previous response for this current application Previous response: No objection subject to the conditions being discharged on the DET application DET/MAL/17/05142 (now DET/MAL/18/05092)	Noted in the officer report

7.9 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Coast and Countryside Officer	Satisfied with the landscape proposal	Noted in the officer report

Urban Design Officer	No objection to the Reserved Matters application	Noted in the officer report
Planning Policy Team	The proposal will help to provide more smaller homes for local residents in the south of the District	Noted in the officer report
Environmental Health Services	ECC SUDs Team will need to review the drainage information – Concerns regarding to road surface as ECC Highways may not adopt the street lighting, pipework for the foul and surface water drainage schemes	Noted. ECC Highways will be adopting the road following the changes to the block paving
Housing Department	Housing supports the application	Noted in the officer report
Tree Officer	No objection providing that the plans are adhere to	Noted in the officer report

7.9.1 Representations received from Interested Parties (*summarised*)

Letters were received **objecting** to the application. The reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Design of Development	
<ul style="list-style-type: none"> • Plots 11, 12 and 13 would result in loss of light to Inala, Brabant Road. • Houses will overlook existing properties at Brabant Road • The proposal would destroy the distinctiveness of North Farnbridge • Appearance, layout and scale is unacceptable • Density is too high for a village 	<p>The points have been addressed in Sections 5.3, 5.5 and 5.6 of the officer report.</p>
Highway	
<ul style="list-style-type: none"> • Lack of car parking spaces • Increase in traffic and pressure on the road network • Heavy vehicles used to transport materials, concerns regarding the risk of spillages 	<p>This issue has been considered in the outline planning application OUT/MAL/14/01018. Further, the Highway Authority has raised no objection to the current application.</p> <p>Transport concerns were not considered</p>

<ul style="list-style-type: none"> • There should be • The development would have an impact on the wider highway network (Lower Burnham Road (B1012) into North Fambridge 	as an issue in the previous outline application and therefore would be unreasonable to warrant refusal on that basis.
Surface Water and Anglian Water	
<ul style="list-style-type: none"> • Surface Water and Foul Water Drainage still not resolved 	This is is currently being dealt with under DET/MAL/18/05092

8 **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 2 The development shall be constructed of the external materials specified on Materials Plan Drawing No: 746. 204.07 dated 27.04.2018 and the External Works Plan Drawing No: 746.231.07 dated 05.06.2018.
REASON To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.
- 3 The hard landscaping for the site shall be constructed in complete accordance with materials specified on External Works Plan Drawing No: 746.231.07 dated 05.06.2018 and retained as such thereafter.
REASON To ensure that the external materials used for the construction of the development is appropriate to its site and surroundings in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.
- 4 The tree protection and soft landscaping for the site shall be carried out in complete accordance with the following details and Drawing No:-
 - JBA 17/004-SK01 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - JBA 17/004-SK02 Revision F - Landscape Proposal for PLOTS and POS dated 23.05.2018
 - Measured Works Schedule Revision B dated 15.05.2018 prepared by James Blake Associates Ltd
 - Landscape Management and Maintenance Plan (JBA 17/004 Rev B dated 15.05.2018) prepared by James Blake Associates Ltd
 - Arboricultural Method Statement (JBA 17/004 AR02 Rev D dated 4 May 2018) prepared by James Blake Associates Ltd
 - Landscape Programming (JBA 17/004-01 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd
 - Landscape Programming (JBA 17/004-02 Revision G dated 27.04.2018) prepared by James Blake Associates Ltd

- Tree Protection Plan (JBA 17/004-02 TP01 Revision C dated 26.04.2018) prepared by James Blake Associates Ltd

REASON To ensure the landscaping is appropriate and to protect the visual amenity of the area in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.

- 5 Prior to the first occupation of the development the initial footway access into the site should provide a lowered kerb for pedestrians to access the proposed shared surface. The current footway access into the site does not appear to adjoin to the shared surface and therefore should be extended into the site to ensure a safe and suitable pedestrian route is provided.

REASON: To provide a safe and accessible entrance into the site for pedestrians in accordance with Policy T2 of the Maldon District LDP and Government advice contained in the NPPF.

- 6 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

REASON To ensure that appropriate parking and turning is provided in accordance with Policy T2 of the Maldon District LDP and Government advice contained in the NPPF.

- 7 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed on the roof on the rear elevation of Plots 2, 3, 4, 5, 6, 14, 15, 16, 17, 18 the dwellings hereby permitted without planning permission having been obtained from the local planning authority.

REASON To protect the residential amenity of existing properties fronting Brabant Road in accordance with Policy D1 of the Maldon District LDP and Government advice contained in the NPPF.

INFORMATIVE

Any trees and non-standard materials proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.