



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
23 JUNE 2021**

Application Number	20/00102/RES
Location	Glebe Meadow
Proposal	Reserved matters application for the approval of appearance, landscaping, layout on approved planning application OUT/MAL/16/00105 allowed on appeal APP/X1545/W/17/3167607 (Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court)
Applicant	Mr Paul Bartholomew – Benferri Developments Limited
Agent	Mr Steven McLean – McLean Architectural
Target Decision Date	25.06.2021
Case Officer	Louise Staplehurst
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major Application Member Call In – Councillor A.S.Flucker Reason: Policy D1

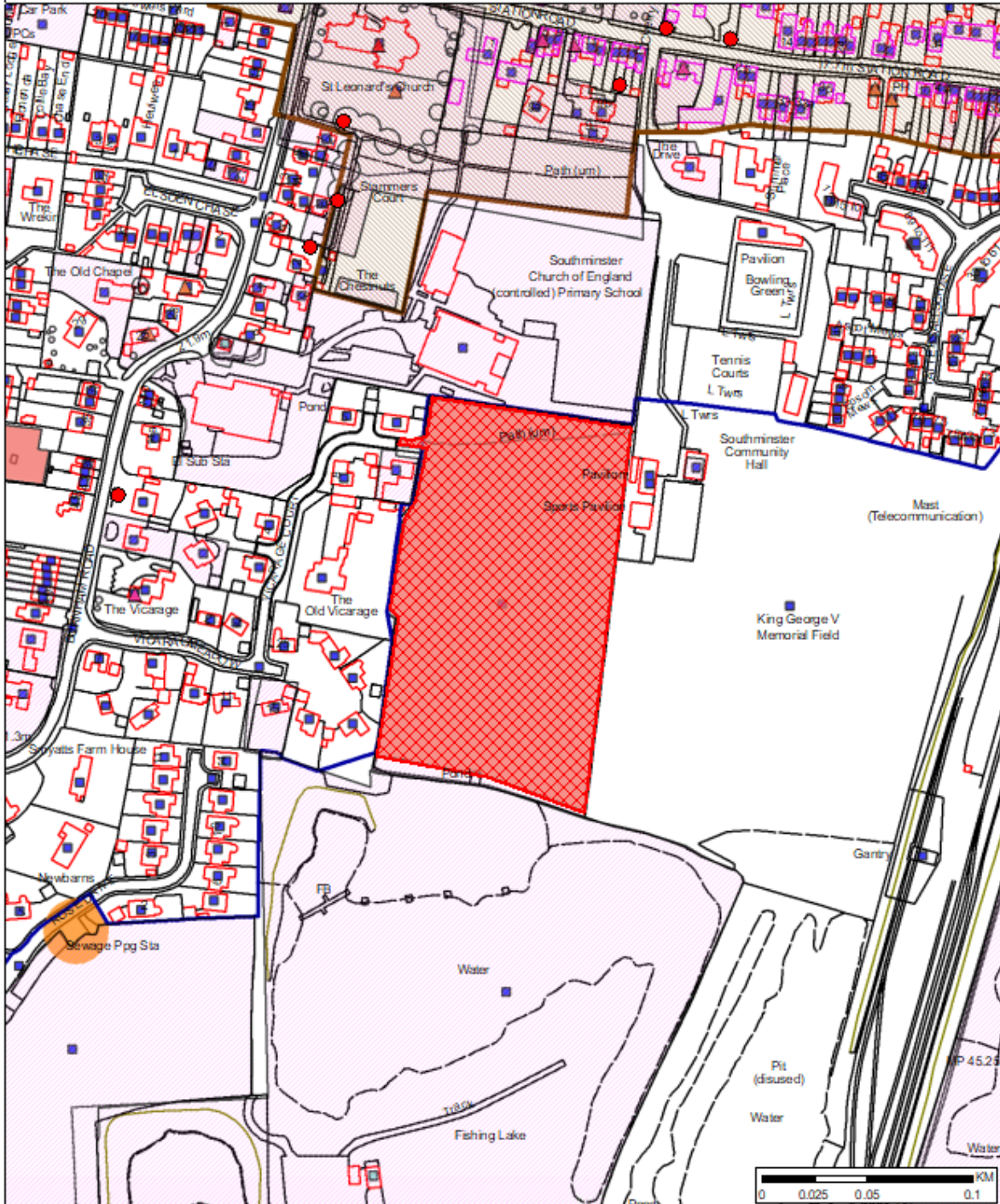
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

20/00102/RES
Glebe Meadow



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 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL
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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	SEAC
Date:	11/06/2021
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is currently an undeveloped field located to the east of Vicarage Court, adjacent to the settlement boundary of Southminster. To the north of the site is Southminster Church of England Primary School, to the east is King George V Memorial Park, to the south is Goldsands Road Pits and Lakes Local Wildlife Site which incorporates a Site of Special Scientific Interest (SSSI) and to the west are dwellings which front Vicarage Court and Vicarage Meadow. The access to the site is taken at the northern edge of the western boundary via an existing field gate.
- 3.1.2 Outline planning permission (reference: 16/00105/OUT) was allowed on appeal in 2017 (Appeal Ref: APP/X1545/W/17/3167607 dated 14 June 2017) to construct up to 13 dwellings. The main issue under consideration at the appeal was the effect of the proposed development on the character and appearance of the area. The proposal was in outline format with only the matter of access considered alongside the principle of the development. Condition 1 of that permission requires that matters of appearance, landscaping, layout and scale are addressed through a reserved matters application, which are the subject of this application.
- 3.1.3 The outline planning application was accompanied by a formal Planning Obligation (Unilateral Undertaking), made under Section 106 of the Act, dated 15 May 2017, and signed by the owners of the land. The Obligation covenants the landowners, in general terms, in the event of planning permission being granted. In this instance there are two obligations to be met as follows:
1. On site open space and amenity land – at least 20% of the site to be used for public open space
 2. Affordable Housing – 80% affordable rented housing and 20% intermediate affordable
- 3.1.4 A single point of vehicular access will come from Vicarage Court and this has been approved under the outline permission.
- 3.1.5 Furthermore, an area of open space is proposed within the southeast part of the site.
- 3.1.6 This application proposes 13 dwellings. In terms of layout there are nine dwellings proposed to the west boundary of the site, in a linear arrangement (plots 1-9) and 4 dwellings proposed within the north eastern corner, set in a linear arrangement (plots 10-13).
- 3.1.7 Plots 1, 4 and 6 will consist of house type B1, which will have a maximum width of 10.5 metres, a depth of 12.3 metres. This house type would have an eaves height of 5.4 metres and an overall height of 9 metres. It will be of a hipped roof design, with a rear gable projection, front bay window projections, a chimney and a covered porch area. Internally, there will be a study, lounge, kitchen, utility room, toilet and dining room at ground floor level and four bedrooms at first floor level, one with an en-suite and dressing room, and a family bathroom.
- 3.1.8 Plots 3 and 5 will comprise house type C1, which would have a total depth of 14 metres and a width of 10.6 metres. It will have an eaves height of 5.4 metres and an overall height of 9.9 metres. The dwelling will be of a gable roof design, with a rear gable projection, a chimney and a covered porch. Internally there will be a study, family room, lounge, toilet, kitchen/diner and utility room at ground floor level. At first

floor level, there will be four bedrooms, one with an en-suite and dressing room and a separate bathroom.

- 3.1.9 Plots 2, 7 and 13 will consist of house type D1. This will measure 13.4 metres wide and 8.9 metres deep. It will measure 5.1 metres to the eaves and 8.8 metres to the ridge. It will have an M-shaped roof when viewed from the side, with a front and rear gable projection, chimneys and a covered porch. At ground floor level, there will be a kitchen/dining/family room, a study, a utility room, toilet and lounge. At first floor level, there will be four bedrooms, one with an en-suite and dressing room and a separate bathroom.
- 3.1.10 Plot 8 will consist of house type E1. This will measure 11.8 metres wide and 12.1 metres deep in total, with an eaves height of 5.1 metres and a ridge height of 9.1 metres. It will be of a gable roof design, with two front bay window projections, a rear gable projection and chimneys. At ground floor level, there will be a kitchen/dining/family room, a study, a dining room, a utility room, toilet and lounge. At first floor level, there will be five bedrooms, two with an en-suite and a separate bathroom.
- 3.1.11 Plots 9-12 consist of house type HA2, which are the affordable housing plots. These are semi-detached dwellings and each pair measures 8.8 metres deep in total and 11.4 metres wide in total, with an eaves height of 5 metres and a ridge height of 9 metres. Each of the four dwellings will have a lounge, toilet and kitchen/dining room at ground floor level. Plots 9 and 12 will have three bedrooms, one with an en-suite and a bathroom, and plots 10 and 11 will have two bedrooms and a bathroom. They will be of a cross-gable design and the dwellings on plot 9-10 and plot 11-12 are of a handed design to each other.
- 3.1.12 Plots 1-8 and 13 will be served by a double garage each. This will measure 6.5 metres wide and 7.3 metres deep, with an eaves height of 2.5 metres and a ridge height of 5 metres.
- 3.1.13 The materials proposed consist of a mix of the following:

Roof

- Redland Fenland pantile 'Breckland brown'
- Redland Fenland pantile 'Blue black'
- Forticrete Gemini plain tile 'Ember blend'

Bricks

- Forterra 'Atherstone red'
- Ibstock 'Caledonian buff blend'
- Ibstock 'Surrey orange'

Walls

- 'Envirowall' render finish 'Anderlect'
- Hardieplank cladding in sail cloth colour

Windows and doors

- White UPVC

- 3.1.14 In terms of boundary treatments, the existing external site boundary will be retained. There will be a 1.8-metre-high close boarded fence between the plots with 1.1-metre-high black railings along the front boundary between plot 7 and 8 and on the south western side of the open space/attenuation basin. There will also be 1.1-metre-high

black railings along the southern boundary surrounding the garage on plot 13. There will be 1.1-metre-high bollards along the private access for plots 9-12 and along the eastern side of the access within the site. A 1.8-metre-high brick wall will surround the external boundaries of each plot.

- 3.1.15 In terms of landscaping, a planting schedule has been submitted including the trees, shrubs and bulbs to be planted, as well as the woodland mix. A Landscape Management Plan has been submitted which sets out the management objectives, maintenance visits, existing planting, native trees, native whip mix planting, shrubs and hedges, grass areas, bulb planting, water, plant replacement, litter collections, boundary treatments, hard surfaces and maintenance after 5 years.
- 3.1.16 A Flood Risk Assessment (FRA), an Extended Phase 1 Habitat Survey and a Landscape Visual Appraisal have been submitted in support of the application however these appear to be documents that were originally submitted for the outline application.

3.2 Conclusion

- 3.2.1 The principle of the application site accommodating up to 13 residential dwellings and the positioning of the access was not objected to at the time of the outline application and has already been established at appeal through the granting of outline planning permission 16/00105/OUT as well as the access to the site. This application is therefore to consider the appearance, landscaping, layout and scale of the development.
- 3.2.2 Having taken all material planning considerations relevant to this reserved matters application into account, it is considered that the details of layout, scale, appearance and landscaping submitted are acceptable and there would be no harm to the character of the area. The affordable housing proposed is compliant with the obligations agreed through the S106 agreement of the outline permission. It is also considered that the proposed development would represent sufficiently high-quality development in terms of appearance and landscaping and it would provide a good level of living conditions for the future occupiers and adequate parking provision. The details submitted in relation to the amenity area are considered acceptable. Therefore, the details of the development as submitted as part of the reserved matters application are acceptable and accord with the aims of the Local Development Plan (LDP) and the National Planning Policy Framework (NPPF) and the conditions and obligations imposed on the outline application.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Achieving sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 77-79 Rural Housing
- 102-111 Promoting sustainable transport

- 124-132 Achieving well-designed places
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Maldon District Design Guide (MDDG) SPD (2017)
- Maldon District Vehicle Parking Standards (VPS) SPD (2018)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 Policy S8 of the LDP defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development falls within one of thirteen specific, defined categories. This list of acceptable development includes Policy S8 (h) Rural Exception Sites for Affordable Housing in accordance with Policy H5, but not for open market housing or self-build houses. The application site is outside the settlement boundary and is therefore, in principle, contrary to the abovementioned policy.
- 5.1.3 However, outline planning permission (reference 16/00105/OUT) was granted on appeal on 14 June 2017 and allows for a development of up to 13 dwellings. This therefore establishes the acceptability of residential development at the site and overrides the abovementioned policy objection. It is noted that the outline scheme was refused on the grounds of the effect on the character and appearance of the area only. In this regard it is noted that this is an application for the approval of reserved matters and therefore the principle of development cannot be re-assessed. From this basis, notwithstanding the comments of the objectors, it cannot be argued

that the principle of 13 dwellings being built at the site (subject to the matters of landscaping, scale, appearance, access and layout) is unacceptable and therefore it would be unreasonable for the council to object to the principle of the density of the proposed development or the impact of development on the rural character of the area as the urbanisation of the site is inherent to the outline planning permission that has been granted. Notwithstanding the fact that there was no reason for refusal on principle grounds, the inspector gave little weight to policies at the time, which he argued as being obstructive and out of date with the NPPF, which seeks to significantly boost the supply of housing and to apply a balanced approach to new development.

- 5.1.4 The outline planning permission 16/00105/OUT established the acceptability of the proposed development including the access arrangements and therefore the main for consideration are the detailed design matters concerning the appearance, landscaping, layout and scale of the proposed development (the reserved matters).
- 5.1.5 The Planning Practice Guidance, Paragraph 006 Reference ID: 14-006-20140306 and the Town and Country Planning (Development Management Procedure) (England) Order 2015, clearly state that for reserved matters applications, the following would need to be submitted in support of the application:
 - 5.1.6 'Appearance' – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
 - 5.1.7 'Landscaping' – the treatment of land (other than building) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:
 - a) screening by fences, walls or other means;
 - b) the planting of trees, hedges, shrubs or grass;
 - c) the formation of banks, terraces or other earthworks;
 - d) the laying out or provision of gardens, courts, square, water features, sculpture or public art; and the provision of other amenity features;
 - 5.1.8 'Layout' – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
 - 5.1.9 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
 - 5.1.10 Therefore, given the above, the principle of erecting 13 dwellings within the site is considered acceptable. The reserved matters considerations will be discussed below.

5.2 Housing Need and Supply

- 5.2.1 Policy H2 of the LDP, which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings with three or more bedrooms, with less than half the national average for one- and two-bedroom units in the district. The Council therefore encourages in policy H2 the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated SHMA (2014) identifies the same need for 60% of new housing to be for one- or two-bedroom units and 40% of housing to be for three bedrooms plus units.

- 5.2.2 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 The development will provide 2 two-bedroom dwellings, 2 three-bedroom dwellings, 8 four-bedroom dwellings and 1 five-bedroom dwelling. The proposed housing mix is therefore 15% two-bedroom units and 85% three plus bedroom units.
- 5.2.4 On the basis of the above housing mix, it is evident that the development would not comply with the requirements of policy H2, given that only 15% of smaller (two-bedroom) units are proposed to be provided, from which all would be affordable units. Nonetheless, it is noted that no condition to secure a housing mix in accordance with Policy H2 requirements was imposed at the outline stage when the application was allowed on appeal and thus, it would have been unreasonable for an objection to be raised at this stage. Similar to the principle of the development, the allowed appeal overrides the policy requirements and thus, no objection is raised to the proposed housing mix.

5.3 Affordable Housing

- 5.3.1 In terms of affordable housing provision, Policy H1 of the LDP states that all housing developments of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing.
- 5.3.2 In this application, there are 4 affordable housing units proposed, which is a mix of 30% affordable 70% market dwellings.
- 5.3.3 As part of the outline planning application, a section 106 agreement was submitted (dated and signed) by the Applicant regarding the provision of 4 affordable housing units on the application site consisting of 80% as affordable rented dwellings and 20% as intermediate affordable housing. This will consist of 4 two-bedroom dwellings capable of housing 4 people.
- 5.3.4 As 4 affordable housing units are proposed, meeting the required 30% affordable housing contribution on-site (3.9). Therefore, Strategic Housing Services fully support this application and no objection is raised in terms of affordable housing provision.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning, and recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 5.4.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will 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;*
 - b) *Height, size, scale, form, massing and proportion;*
 - c) *Landscape setting, townscape setting and skylines;*
 - d) *Layout, orientation, and density;*
- 5.4.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.4.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.4.6 The acceptability of up to 13 dwellings on the site has previously been established and the impact on the character and appearance of the area was taken into account at the time of outline application. The outline application was accompanied by an indicative layout and massing drawings proposing a likely layout and general form of the development including a road layout within the site. Although not binding wholly binding in terms of its detail, it presented a form of development which assured any development of the site would be appropriate in terms of its impact and relationship to the adjoining settlement and wider landscape. The current application is largely similar to the indicative proposals at outline stage, and to which the planning inspector had regard to, notwithstanding its indicative nature. The matters relating to the landscaping, layout, scale and appearance relate to that form of development envisaged and is accordingly assessed as such.
- 5.4.7 The proposed development comprises 9 detached and 4 semi-detached two storey dwellings arranged in a linear format arranged in a north/south alignment and east towards a single access road north/south.

Layout

- 5.4.8 The access road leads off Vicarage Court from the west and continues east, leading south and fairly centrally within the site, which leads to turning heads leading to individual driveways, and therefore the site appears as a continuation from the existing residential site to the west. Plots 1-8 and 13 are located on the western side of the site backing onto the residential area to the west of the application site. The private amenity areas are located to the rear of the plots and off-street parking has been provided to the sides of plots 1-8, rear of plot 13 and to the front of 9-12 which

helps to avoid a wholly car dominated frontage. Plots 9-12 are positioned in the north east corner of the site and are accessed by a private drive. The eastern part of the site is an area of open space with an attenuation basin within the south eastern corner.

- 5.4.9 The proposed layout is suburban in appearance with one main access with the development located on the western side, aligning with the residential development to the west to ensure that the eastern part of the site blends in with the open fields and vegetation to the east and south. When assessed as a whole, that the layout is considered to be acceptable and appropriate in complimenting the character and appearance of the area. The set back of the built form from the boundaries of the site, particularly the eastern and southern boundaries and the high level of open and private amenity space lessen the impact of the layout within the area and therefore it is not considered that the impact of the layout would be harmful to the character of the area.

Scale

- 5.4.10 All properties would be two-storeys in height. The scale of the dwellings, in terms of width, depth and height are fairly consistent. The dwellings on plots 9-12 are semi-detached and therefore their plots are smaller however each pair of semis is of a similar scale to the detached dwellings. It is considered that the height, width and depth of each house type is suitably consistent when viewed as a whole. Given the residential development within the immediate vicinity of the site to the west is also of a similar two storey or two and a half storey scale, the scale of development is acceptable in terms of the impact on the character and appearance of the site and the surrounding area.

Appearance

- 5.4.11 With regard to the design and appearance of the proposed dwellings, it is noted they would be of a typical design for residential dwellings and would have an attractive appearance. There would be a mix of roof types ranging from hipped, gable and M-shaped rooflines. Features such as gable projections, chimneys, porches and bay windows would be incorporated to add to the architectural interest of the dwellings and the style of the dwellings have taken design cues from those within the surrounding area along Vicarage Court. The entrance of the dwellings would be well-defined due to the covered porches. Overall, it is considered that there would be a good mix of dwelling styles, but with enough similarity in their design to create a cohesive development.
- 5.4.12 The proposed materials would generally be in keeping with the materials used within the surrounding area and the use of brick and render would be in line with the guidance within the MDDG. It is noted that the dwellings along Vicarage Court are generally finished in brick, and that render and Hardieplank cladding is not a common feature within the surrounding area, however the proposed development as a whole would form its own character and these materials will only be used as feature elements on the gable projections; the predominant material within the site would be brick, and therefore the use of render and cladding would not be objected to. The proposed materials would therefore be acceptable within the context of the site and its surroundings.
- 5.4.13 In addition, policy H2 requires that the design and appearance of affordable housing is indistinguishable from market housing. Whilst the affordable housing units are semi-detached in design which differs from the detached nature of the market housing, they are smaller units and therefore would be a small house type; however,

each pair of dwellings would be viewed as a similar scale to the detached market housing. The bricks used on plots 9 and 10 would differ from those used on the other dwellings, however all other materials would be mixed between the dwellings within the site. In that respect it is noted that the affordable housing follows the same design principles and uses as the open market housing and would therefore comply with the requirements of policy H2.

- 5.4.14 The semi-detached units would face to the north of the site within their own private drive and would not front the main access road, which would differ from the main layout of the site and of Vicarage Court. However, it is not considered to be unusual for there to be smaller cul-de-sacs located off the main roads, within the surrounding area, such as the western projection off of Vicarage Court. Furthermore, this layout would reduce the visibility of the parking spaces serving these plots, from the main access, to reduce the likelihood of the site becoming visually dominated by cars.

Landscaping

- 5.4.15 Both the soft landscaping and the boundary treatments are considered to be appropriate for a semi-rural residential environment. A large amount of existing vegetation around the boundaries of the site would be retained, with additional trees planted along the west and north east boundaries as well as within the site, lining the access and within the area of public open space. The public open space will be planted with a wild flower meadow and native whip mixes. It is considered that the landscaping of the site is acceptable in relation to suitably softening the visual impact of the development.
- 5.4.16 Given the above, it is considered that the proposed development in terms of appearance, layout, scale and landscaping is of an acceptable quality and would not harm the character and appearance of the site or surrounding area. Therefore, it is considered to accord with the criteria of policies D1 and H4 of the LDP, the MDDG, and guidance and provision as contained in the NPPF.

5.5 Impact on Residential Amenity

- 5.5.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.5.2 Given the orientation of the proposed dwellings, the separation distances and the natural screening provided by the existing vegetation, it is not considered that the proposed residential development would give rise to overlooking. Furthermore, there are no windows proposed in any of the dwellings which are considered to have a direct view into the windows or the private amenity space of the existing properties within the vicinity of the site.
- 5.5.3 It is noted that the dwelling on plot 1 would have a first-floor window on the west side elevation of the rear projection facing No.7 Vicarage Court, located 19 metres from the shared western boundary with this neighbour. Due to the separation distance, there could be some overlooking of the neighbouring site from this window if not mitigated, and therefore a condition is included to ensure this window is obscure glazed and non-opening below 1.7 metres. The separation distance is considered sufficient that there will not be a harmful level of perceived overlooking from the obscure glazed window. There is another window on the southern elevation serving

the bedroom and therefore there are no objections to the window being obscure glazed in relation to the living conditions of the occupiers.

- 5.5.4 The separation distance between the proposal site and the existing dwellings is such that there would not be a material loss of light, outlook or any impacts of overbearingness within the neighbouring properties to an extent that would raise amenity concerns to justify the refusal of the application.
- 5.5.5 There are no other residential properties that would be harmfully affected by the proposed development to such a degree as to warrant a reason for refusal. In making the above comments it should be noted that the principle of up to 13 dwellings on the site has previously been established and the impact of the use of the site was assessed at the time of outline application. Therefore, the impact of the development in terms of access, scale, layout and appearance in relation to the existing properties within the vicinity of the site has been assessed.
- 5.5.6 The proposal will result in the increased use of the access which may result in increased noise and disturbance to the dwellings to the west, near to the entrance of the access. However, this is not considered to be at such a level that would cause detrimental harm to neighbouring sites, to an extent that would justify the refusal of the application. Furthermore, the access has been approved under application 16/00105/OUT and therefore it would be unreasonable to object to this.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards, which are expressed as minimum standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas.
- 5.6.2 It is noted that the access road has been established under outline permission 16/00105/OUT and therefore there are no objections to this.
- 5.6.3 The turning area provided for each dwelling is considered to be acceptable. An initial consultation response from Essex Fire and Rescue stated that turning point in front of plot 7 would need to be increased in line with the provisions detailed in Approved Document B (ADB): Vol 2, B5. It is also noted that condition 14 of the outline permission required a turning facility for service and delivery vehicles of at least size 3 dimensions shall be provided. The turning facility has been amended and any further consultation response will be included on the Members' Update.
- 5.6.4 The proposed development provides four allocated parking spaces per four/five-bedroom dwelling (two on the driveway and two in the garage) and two parking spaces per two/three-bedroom dwelling. This therefore is in excess of the requirements of the adopted parking standards and also complies with the recommended bay size of 2.9m by 5.5m for a parking bay and 6 metres by 7 metres internal size of a garage.
- 5.6.5 With regard to visitor parking, the adopted parking standards require 1 visitor space per 4 dwellings which in this instance would equate to 4 visitor spaces. Two visitor spaces have been shown towards the north of the site and two more visitor spaces east of plot 3, and therefore sufficient visitor parking will be provided.

- 5.6.6 Condition 11 of the outline permission requires the access to be provided as a continuation of Vicarage Court straight for the first 12 metre within the site, which it is and therefore the proposal complies with this.
- 5.6.7 Conditions 12 and 13 relate to the vehicle and pedestrian visibility splays within the site and the proposal is considered to accord with these conditions as the required visibility splays can be accommodated.
- 5.6.8 Cycle parking can be accommodated within the garages for plots 1-8 and 13. The site plan shows sheds will be erected in the gardens of plots 9-12 which would be available for cycle parking and therefore there are no objections in this regard.

5.7 Private Amenity Space and Landscaping

- 5.7.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as supplementary planning guidance to support its policies in assessing applications for residential schemes, which considers dwellings with three or more bedrooms should provide 100 square metres of amenity space, smaller dwellings should provide 50 square metres and flats should provide 25 square metres. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.
- 5.7.2 Plots 1-10, 12 and 13 would have provision for over 100 square metres of amenity space and therefore there are no objections in this regard. Plot 11 consists of a two-bedroom dwelling and would have 80 square metres of amenity space and therefore this is in accordance with the standards set out within the MDDG.
- 5.7.3 In terms of landscaping, the Council's Tree Consultant has stated that the Prunus species adjacent to the driveways need to have a planting put that is big enough to accommodate them for maturity with root deflectors or similar to ensure the root growth from this species does not cause surface displacement as they mature and lead to the trees being removed and that it would be preferable to have specimens with a stem girth of 10cm to 12cm used, to provide a bit more instant visual amenity impact. Additionally, there is space in plots 1, 4, 5, 6, 7, 8 to support some more tree planting to soften the view across and still allow uninhibited usage of the garden space. Native trees such as Silver Birch, Hornbeam would be preferable. In the area by the attenuation basin, there is scope to support the planting of larger trees such as Oak, Field Maple, Hornbeam or Elm, with a girth of 14cm-16cm. The shrub species mix is acceptable to provide amenity and ecological benefit. Tree protection measures and site supervision will be essential before and during the development. An amended landscape scheme was provided, and the Tree Consultant has been re-consulted and considers that the revised plan details the root deflector material to be used to try and prevent the roots of the cherry species becoming a problem in the future, which will help to prevent such problems while they mature and is considered acceptable. All the other information provided appears to be acceptable. Therefore, subject to conditions, the landscaping would be acceptable.
- 5.7.4 In terms of boundary treatments, these would reference the materials used for other boundary treatments within the surrounding area along Vicarage Court, including black railings, brick walls and timber fences and therefore the proposed boundary treatments are considered to be in keeping with the character of the area.

5.8 Other Material Considerations

- 5.8.1 The Environmental Health department have no concerns in relation to drainage. They have requested one condition in relation to a Construction Management Plan,

regarding waste materials, dust emissions, noise nuisances and hours of work. Whilst the need for this condition is noted, the matters that this condition would aim to restrict are considered to be related to the outline permission and would have needed to be imposed at outline stage, which the Inspector did not consider it necessary to do so. As this condition is not considered to be directly related to the matters reserved for consideration under this application, it is not considered that it would be reasonable to impose the condition under this application.

- 5.8.2 The matters of foul and surface water drainage have been addressed through the imposition of conditions on the outline permission.

Section 106 Agreements

- 5.8.3 The legal agreement signed at the time of the outline permission required an Amenity Areas Specification, Amenity Areas Management Plan, Open Space Specification, Open Space Management Plan and details of the Management Company to be submitted at the time of the reserved matters application.
- 5.8.4 All of the above documents have been submitted as part of the application. A consultation response from the Section 106 Officer considers that the documents provided are suitable in meeting the requirements set out within the Section 106 signed as part of the outline application.
- 5.8.5 The section 106 agreement also includes requirements in relation to affordable housing which has been discussed in section 5.3 and has been considered acceptable.

Ecology and Protected Species

- 5.8.6 The application has been supported by the ecology report submitted with the outline application. This report is dated from 2014 and Essex County Council (ECC) Place Service had submitted a holding objection due to the report being 6 years old and requested an up to date survey to be undertaken. Whilst this was noted, the development already has approval under outline permission and therefore we did not consider it reasonable to object on the basis that the ecology report is out of date. Ecology have since submitted a second response stating they have no objection. In this regard, it is noted that three conditions were imposed on the outline application, as suggested by the 2014 ecology report. These were in relation to a further badger survey to be undertaken, a landscaping and ecological management plan to be submitted, and a street lighting scheme to be submitted. It is considered that these conditions are sufficient in order to mitigate any possible impacts on wildlife within the site.

Permitted Development Rights

- 5.8.7 As the site is positioned within a rural location outside of the defined settlement boundary, within a rural area, it is considered necessary to restrict permitted development rights in order to protect the character of the area. In this regard, it is considered necessary to specifically remove permitted development rights for all plots in relation to Class A, B, C, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

RAMS

- 5.8.8 Notwithstanding the opinion of Officers at Natural England (NE), it is not possible to secure a contribution towards RAMS under the terms of a reserved matters application and it is not relevant to the access, layout, scale, appearance or landscaping to request any form of mitigation in this regard. The granting of this permission would not facilitate any demonstrable impact above and beyond that resulting from the grant of the outline permission.

6. ANY RELEVANT SITE HISTORY

- **00/00874/FUL** - Proposed change of use from grazing land to recreational use – Approved
- **05/01253/FUL** - Change of use of land to recreational use – Approved
- **16/00105/OUT** - Outline planning application for the provision of up to 13 dwellings, provision of public open space and a new vehicular access from Vicarage Court – Refused – Appeal Allowed

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	No response	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highway Authority	No response	N/A
Environment Agency	No response	N/A

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions regarding a construction management plan.	Comments noted. A construction management plan condition would be imposed at outline stage and is not related to the matters reserved for this application.
Housing Department	Support the application	Comments noted.

7.4 External Consultees

Name of External Consultee	Comment	Officer Response
Archaeology	<p>The proposed development site has the potential to impact on archaeological remains.</p> <p>No objection subject to conditions</p>	An archaeological condition was put on the outline permission.
Natural England	Undertake assessment in relation to RAMS	Comments noted. See paragraph 5.8.14.
Ecology	<p>First response - Object – the ecology report is out of date; an updated survey should be undertaken</p> <p>Second response - Holding objection withdrawn</p>	Comments noted.
Tree Consultant	<p>The Prunus species shown to be placed adjacent drives needs to ensure that the planting pit is big enough to accommodate them for maturity, with root deflectors or similar to ensure the root growth from this species does not cause surface displacement at they mature and lead to the trees being removed. I would prefer to see specimens with a stem girth of 10cm to 12cm used, to provide a bit more instant visual amenity impact.</p> <p>There is space in plots 1, 4, 5, 6, 7, 8 to support some more tree planting to soften the view across and still allow uninhibited usage of the garden space. Native trees such as Silver Birch, Hornbeam etc would be a good use, rather than small ornamentals, with berries etc that could cause a nuisance. In the area by the attenuation basin there is space to support the planting of tree species that can develop into large feature trees in the landscape such as Oak, Field Maple, Hornbeam, Elm. For these areas I would like larger trees used with a stem girth at planting of 14cm - 16cm.</p> <p>The shrub species mix is acceptable to provide amenity and ecological benefit.</p> <p>I think with some more considered species choice and placing for the trees, to ensure they have space to develop and not become a problem to residents, so removal is more likely, then the scheme will benefit the landscape setting.</p>	Comments noted. Amended landscaping details have been provided taking into account these comments.

Name of External Consultee	Comment	Officer Response
	<p>Tree protection measures and site supervision will be essential before and during the development.</p> <p>Response to amended plans:</p> <p>The revised plan details the root deflector material to be used to try and prevent the roots of the cherry species becoming a problem in the future, this will help to prevent such problems while they mature and is considered acceptable. 1.1 of the landscape management plan refers to the site being in Witham, a minor typo but best to change it to the site so that it all ties in and no one can dispute it later. The information appears to be acceptable.</p>	
Essex and Suffolk Water	No apparatus within the area – no objections	Comments noted.
Anglian Water	<p>There are assets within the area and therefore an informative should be included setting this out.</p> <p>No objection in relation to foul water, the used water network or surface water</p>	Comments noted.
ECC SuDS	No objections – the development will be subject to drainage conditions put on at outline	Comments noted.
Essex Fire and Rescue	The turning point in front of plot 7 would need to be increased in line with the provisions detailed in ADB: Vol 2, B5	Comments noted, this has been amended.
North East Essex Badger Group	No response	N/A
Essex Wildlife Trust	No response	N/A
Essex Police	Essex Police is able to support the applicant to achieve Secured by Design Homes 2019, having appropriate consideration of the requirements, you are invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk	Comments noted.

7.5 Representations received from Interested Parties

7.5.1 5 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Cannot understand why this application has been submitted again.	This is a reserved matters application in relation to the outline application approved under 16/00105/OUT at appeal. This application only assesses appearance, landscaping, layout and

Objection Comment	Officer Response
	design.
Concerns over impact from traffic	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
Impact on infrastructure	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
Impact on wildlife - Badgers, birds, owls, squirrels, pheasants and lizards have been spotted in Vicarage Court.	Comments noted. See section 5.8.9. Conditions were imposed on the outline permission to mitigate the impact.
Only 2 neighbours received a letter	All neighbours whose land abuts the site were consulted, a total of 12 letters were sent.
No site notice	A site notice was erected on 09.04.2020.
All residents in the area should get a letter	It is a requirement of the Development management Procedure Order to either send letters to the adjoining owners/occupiers or erect a site notice. Both of these were undertaken.
No explanation of what a reserved matters application is or the process	It is not a requirement for the applicant or Council to explain the type of application.
Overdevelopment of the area	The principle of constructing 13 dwellings has been established under the outline application.
Detrimental to character of the area	The principle of constructing 13 dwellings has been established under the outline application.
Within an area of archaeological interest	The principle of constructing 13 dwellings has been established under the outline application. A condition relating to archaeology was put on the outline permission.
Detrimental to wildlife	The principle of constructing 13 dwellings has been established under the outline application and three conditions relating to ecology were included on the outline permission.
Concerns with drainage	Drainage conditions were imposed on the outline permission.
Out of date supporting documents	Comments noted.
Protection of Oak trees outside of site boundary	A condition requiring a tree protection plan will be imposed.
Lack of parking	Parking has been provided in accordance with the adopted vehicle parking standards SPD.
Site is outside the settlement boundary	The principle of constructing 13 dwellings has been established under the outline application. This is not a consideration for this application.
The access at Vicarage Court is	Access has already been approved at

Objection Comment	Officer Response
unsuitable for more cars	outline stage.
Wider road network is overcrowded and unsuitable	The principle of constructing 13 dwellings has been established under the outline application.
Impact on neighbours – particularly No.7 Vicarage Court	See paragraph 5.5.3.
Road design should be brick and not tarmac	Comments noted.
Highway safety	The principle of constructing 13 dwellings has been established under the outline application.
Can the access be from the tennis court side	Access in the proposed location has been approved at outline stage and cannot be amended under this application.
Layout of the affordable housing would not be in keeping with Vicarage Court – outline layout was more appropriate	See section 5.2.
Please note the Natural England response in relation to RAMS	See section 5.8.14.
When will the archaeology assessment be carried out	The outline application requires this to be undertaken prior to the commencement of works.
Open space may encourage vandals	Comments noted.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 1551/01
 - 1551/02
 - 1551/B1/02
 - 1551/D1/02
 - 1551/P/03
 - 1551/P/07
 - 1551/B1/01
 - 1551/C1/01
 - 1551/C1/02
 - 1551/D1/01
 - 1551/DG/01
 - 1551/E1/01
 - 1551/E1/02
 - 1551/P/08
 - 1551/ST/01
 - 1551/P/02 REV B
 - 1551/P/04 REV A
 - 1551/P/05 REV A
 - 1551/P/06 REV A
 - MC/1604/20 REV A

- 1551/HA/02 REV A
- 1551/HA/01 REV A
- 1551/HA/03 REV A
- 2014-409-SC00 – location plan
- Flood Risk Assessment
- Expedited Phase 1 Habitat Survey
- Landscape and Visual Impact Appraisal
- Planning Statement
- Design and Access Statement
- Open space management plan and open space specification October 2020
- Amenity areas management plan and amenity areas specification October 2020
- Land registry documents (transfer of part of registered titles) – management company details

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

3. No development above ground level shall take place until written details and photographs or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: In order to ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the Maldon District Local Development Plan.

4. The car parking provision demonstrated on plan referenced 1551/P/02 shall be constructed, surfaced, laid out and made available for such purposes before the development is occupied and shall be retained as such thereafter.

REASON: To ensure that on-street parking of vehicles does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan.

5. Prior to first occupation of the development hereby approved, the boundary treatment as shown on plan reference 1151/P/06 rev A shall be implemented and completed. Development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To protect the amenity of the future occupiers of the development and the character of the area in accordance with Policy D1 and S8 of the approved Maldon District Approved Local Development Plan

6. The hard and soft landscape works shall be carried out in accordance with the details contained within approved plan MC/1604/20 rev A and 1551/P/02 rev B, prior to the occupation of the dwellings.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, 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.

REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.

7. The hard landscape works shall be carried out in accordance with the details contained within approved plan 1551/P/02 rev B, prior to the occupation of the dwellings.

REASON: To protect the character of the area in accordance with policy D1 of the Maldon District Approved Local Development Plan.

8. 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:
- Tree survey detailing works required
 - Trees to be retained
 - Tree retention protection plan
 - Tree constraints plan
 - Arboricultural implication assessment
 - Arboricultural method statement (including drainage service runs and construction of hard surfaces)

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.

REASON: To ensure the protection of the trees on the site, in accordance with policy D1 of the Maldon District Approved Local Development Plan.

9. Prior to their construction, full details of the sheds to be located in plots 9-12 shall be submitted and approved in writing by the local planning authority. The sheds shall be constructed prior to the first occupation of the dwellings hereby approved.
- REASON: To protect the visual amenity of the area in accordance with Policies D1 and N2 of the Maldon District Local Development Plan.
10. Notwithstanding the provisions of Class A, B, C, D, and E of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (except incidental outbuildings measuring 10 cubic metres or less) shall be erected within the site without planning permission having been obtained from the local planning authority.
- REASON: To safeguard the character of the area in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
11. The garages hereby approved shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling houses and shall not at any time be converted or used as habitable space / living accommodation.
- REASON: To ensure the appropriate use of the garages to protect the amenity of the neighbouring occupiers in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
12. The vehicle access, turning areas and parking areas shall be laid out in accordance with plan 1551/P/02 rev B prior to the first occupation of the development hereby approved and shall be maintained as such thereafter.
- REASON: To ensure suitable access and sufficient parking is provided in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
13. The development shall be undertaken in accordance with the terms and specifications contained within the Landscape Specification and Management Plan

(October 2020) and the Open Space Specification and Management Plan (October 2020) and the details of the Management Company (Land registry document 2021), which is attached to and forms part of this permission.

REASON: To ensure the landscaping is maintained as approved, in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

14. The following first-floor windows shall be obscure glazed and non-openable, except for a top hung fanlight above 1.7m high from floor level.

- Plot 1 – western flank upper floor window
- Plot 3 – Southern flank upper floor window
- Plot 4 - Southern flank upper floor window
- Plot 5 - Southern flank upper floor window
- Plot 6 - Southern flank upper floor window
- Plot 7 - Southern flank upper floor window
- Plot 8 - Northern flank upper floor window

REASON: To protect the amenity of the occupiers of the site and surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.