



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**DISTRICT PLANNING COMMITTEE  
2 DECEMBER 2021**

<b>Application Number</b>	<b>21/00889/RES</b>
<b>Location</b>	Land South Of Wycke Hill And Limebrook Way (Western) Maldon Essex
<b>Proposal</b>	Reserved matters application for the approval of appearance, landscaping, layout & scale for Phase 2 of the Western Parcel of outline planning permission 20/00074/FUL comprising the construction of 210 residential dwellings (Use Class C3), new public open space and car parking. (Description of most recent outline planning permission 20/00074/FUL: <i>Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.))</i> )
<b>Applicant</b>	Crest Nicholson (Eastern)
<b>Agent</b>	Mr T aylar Vernon – Savills
<b>Target Decision Date</b>	13.12.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan Major Application

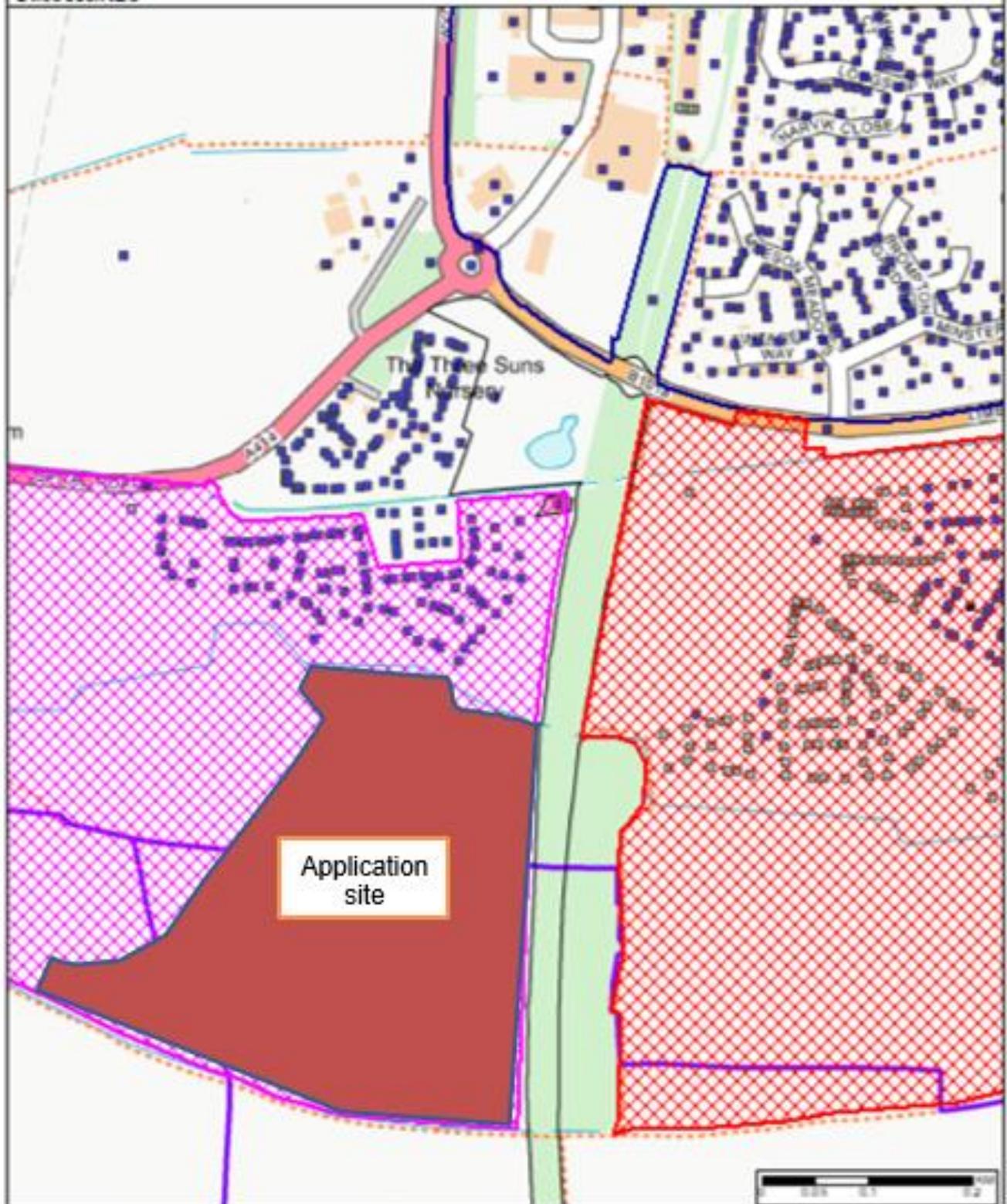
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**Land South of Wycke Hill and Limebrook Way, Maldon**  
**21/00889/RES**



 <p><b>Copyright</b>                  For reference purposes only.                  No further copies may be made.                  This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.                  Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.                  Maldon District Council 100018588/2021</p> <p><a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a></p>	Scale: 1:5,000
	Organisation: Maldon District Council
	Department: Department
	Comments: District Planning Committee
	Date: 10/11/2021
	MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site forms part of the wider area identified as Strategic Site S2(a) in the Maldon District Approved Local Development Plan (LDP) which gained outline planning permission (reference 14/01103/OUT) in December 2016, following the completion of a Section 106 Agreement, for 'development of land for up to 1,000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and Sustainable Drainage System (SuDs) features, vehicle accesses onto the existing highway network and associated infrastructure'. The outline planning permission included details of means of access to the site; details of layout, scale, appearance and landscaping were reserved for future determination. The approved means of access to the Site consists of two vehicular accesses off the A414 on the western side, an access (roundabout) off Limebrook Way and two accesses off Fambridge Road (B1010) to the eastern side. A new bus route through the site was approved as part of the outline planning permission. The Strategic Site S2(a) is subject to a Strategic Master Plan Framework and Design Codes as part of the South Maldon Garden Suburb.
- 3.1.2 The LDP sets out the housing and infrastructure requirements for strategic sites at Policies S2 Strategic Growth; S3 Place Shaping and S4 Maldon and Heybridge Strategic Growth. The western parcel of Site S2(a) is within the South Maldon Garden Suburb strategic allocation delivering 394 dwellings and infrastructure; to be developed by Crest Nicholson. The current application relates to Phase 2 of the Western Parcel. Phase 1 of the Western Parcel is currently under construction by Crest Nicholson for 106 dwellings. Taylor Wimpey is currently building-out the Eastern Parcel of Site S2(a) in the South Maldon Garden Suburb delivering 606 dwellings and infrastructure in two phases.
- 3.1.3 Policy S3 Place Shaping required a Masterplan to be prepared collaboratively with developers, land promoters and infrastructure providers. The South Maldon Garden Suburb Strategic Masterplan Framework was endorsed by the Council in 2014 and adopted as a Supplementary Planning Document (SPD) in March 2018. The Masterplan sets out the strategic framework for primary streets, public open space, walking and cycling routes, SuDs management and bus routes set around residential land parcels.
- 3.1.4 To ensure the South Maldon Garden Suburb is developed in a consistent manner across all development sites, Strategic Design Codes (endorsed March 2016) were prepared by the Council based on submitted outline applications and approved Design Parameter Plans for:
- Land Use;
  - Access and Movement;
  - Green and Blue Infrastructure;
  - Density;
  - Building Heights.
- 3.1.4.1 The Strategic Design Codes are summarised in the Structuring Plan in the South Maldon Garden Suburb Strategic Design Codes document.

- 3.1.5 The original outline planning permission was subsequently varied most recently by permission reference 20/00074/FUL which was approved on 19 June 2020. The current application site forms Phase 2 of the Western Parcel which is located in the south-eastern corner of the Western Parcel, immediately to the south of Phase 1. To the south is agricultural land, to the west is further land allocated for residential use as part of the Western Parcel and to the east is part of the disused railway line referred to below and which forms part of the Maldon Wycke Nature Reserve. Phase 2 has the Lime Brook as its northern boundary. Public Right of Way 253 crosses the site (the formal process of diverting this footpath is in progress).
- 3.1.6 An application for approval of reserved matters of Phase 1 of the Eastern Parcel (for 200 dwellings) was granted in 2018 (reference 18/00531/RES) and approval of reserved matters for Phase 2 of the Eastern Parcel (reference 19/00411/RES) was granted in 2019 for 406 dwellings. Details of the infrastructure (drainage, highways, site levels and associated works) for the whole of the Western and Eastern Parcels have also already been approved (references 19/01093/FUL and 18/00494/FUL, respectively). The application for approval of reserved matters of Phase 1 of the Western Parcel was granted in 2020 (reference 19/01097/RES).
- 3.1.7 The Eastern and Western Parcels are separated by a disused railway line known as Maldon Wick Nature Reserve (which includes a Local Wildlife Site) which runs in a north-south direction.
- 3.1.8 A watercourse, known as the Lime Brook, runs west-east adjacent to the northern boundary of the Western Parcel. A second watercourse, the 'Lime Brook South Arm', flows through the northern part of the Western Parcel from the western boundary to the eastern boundary where it is culverted through the former railway embankment.
- 3.1.9 The topographical survey data indicates that the Western Parcel slopes from north-west to south-east with elevations in the northwest corner on Maldon Road in the order of 16.5 m Above Ordnance Datum (AOD) falling to approximately 10.0 m AOD in the south-east corner of the site. This represents a slope of approximately 1 in 130.
- 3.1.10 Two new access points are to be created off Maldon Road towards the north-western corner of the Western Parcel which were approved as part of the outline planning permission (original reference 14/01103/OUT). These access points would provide access to the Phase 2 development the subject of this current application one of which would be via Phase 1.
- 3.1.11 The current application seeks approval of those matters which were reserved as part of the outline planning permission referred to above, namely scale, layout, appearance and landscaping, for Phase 2 of the Western Parcel which covers an area of approximately 7ha. The site would accommodate 210 dwellings (a mixture of 40no. one- and two-bedroom apartments and 170no. two-, three-, four- and five-bedroom houses) along with new public open space and parking. 62 (29.5%) of the residential units proposed would be affordable housing. The public open space would include elements of the SuDS including a swale parallel to Lime Brook and an attenuation basin against the Maldon Wycke nature reserve extension. A Local Area of Play is proposed adjacent to the site's north-western boundary, adjacent to which, a trail of exercise equipment for a youth facility is proposed.
- 3.1.12 The buildings would be a mix of mainly two storey buildings with a number of 2.5 storey buildings around the spine road and in the northern part of the site.

3.1.13 A total of 541 car parking spaces are proposed including carports and garages and would include 53 parking spaces for visitors spread across the site. There would be no bus stops through Phase 2 but the bus route planned would cross the north-western corner of the site and all residents would be within 400m (5 minute walk) of a bus stop. Secure cycle storage for all properties would be provided within back gardens or within the garages proposed.

3.1.14 The Parameter Plans identify Phase 2 as mainly medium density (30-35dph (density per hectare)) with low density (20-30dph) across the southern border of the site. It is stated that the current proposal has a gross density of 15.8dph and a net density of 26.3dph. The following Design Codes are relevant to the proposal: Primary Street; Green Edge Streets; Green Space Streets.

3.1.15 Native planting to proposed to the site's eastern and southern site boundaries.

3.1.16 The housing mix proposed is as follows:

Market Housing

<b>Beds</b>	<b>Type</b>	<b>Number</b>	<b>% Phase 2</b>
1	Apartment	6	4%
2	House	6	4%
3	House	62	42%
4	House	46	31%
5	House	28	19%
<b>Total</b>		<b>148</b>	<b>100%</b>

Affordable Housing

<b>Beds</b>	<b>Type</b>	<b>Phase 1 (approved)</b>	<b>Phase 2 (proposed)</b>	<b>% Phase 2</b>	<b>Total</b>
		<b>Number</b>	<b>Number</b>		
1	Apartment	10	26	42%	36 38%
2	Apartment	2	8	13%	10 11%
2	House	16	22	35%	38 40%
3	House	4	6	10%	10 11%
1	Elderly flats	0	0		
1	Elderly bungalows	0	0		
2	Elderly flats	0	0		
2	Elderly bungalows	0	0		
<b>Total</b>		<b>32</b>	<b>62</b>	<b>100%</b>	<b>94</b> <b>100%</b>

The tenure split for Phase 2 would be 44 affordable rent (71%) and 18 shared ownership (29%).

3.1.17 The application is subject to a Planning Performance Agreement.

3.1.18 The application is supported by the following documents:

- Planning Statement;
- Design Statement;

- Landscape Design and Access Statement August 2021;
- Energy and Sustainability Strategy August 2021 (as required by condition 80 of the outline planning permission);
- Air Quality Assessment August 2021 (as required by condition 71 of the outline planning permission);
- Noise Assessment 10799/01 August 2021 (as required by condition 72 of the outline planning permission);
- Arboricultural Impact Assessment September 2021 (as required by condition 45 of the outline planning permission);
- Flood Risk Assessment August 2021 (as required by condition 62 of the outline planning permission);
- Ecological Conservation Management Plan and Statement August 2021 (as required by condition 70 of the outline planning permission).

3.1.19 There are a number of conditions attached to the outline planning permission (reference 20/00074/FUL) which the current reserved matters application would need to comply with:

- Condition 6 requires the reserved matters to be carried out substantially in accordance with the Design and Access Statement and in accordance with the principles of the Design Parameter Plans relating to Land Use, Building Height, Residential Density, Green Infrastructure and Movement and Access.
- Condition 8 requires the reserved matters applications to accord with the Design Codes which take full account of the Maldon Garden Suburb Strategic Masterplan Framework – refer to section 5.3 below.
- Condition 19 requires any reserved matters application detailing the layout of the development to include details of the bus stop infrastructure – but no bus stops are proposed as part of Phase 2.
- Condition 23 requires any reserved matters application detailing the layout of the development to include a scheme to show the provision of a network of off carriageway pedestrian and cycle routes linking all areas within the development – these details have been submitted as part of the current application.
- Condition 26 sets out the private market housing mix – the proposed mix has been submitted.
- Condition 27 requires any reserved matters application detailing the layout of the development to include a layout plan showing the distribution of market and affordable housing, including a schedule of dwelling size (by number of bedrooms) – these details have been submitted.
- Condition 44 requires the submission of details of soft and hard landscaping with any reserved matters application – these have been submitted.
- Condition 56 requires samples or details of external materials to be submitted prior to or concurrently with reserved matters application – a material palette for the development and External Materials Plan have been submitted.
- Condition 57 requires submission of siting, height, design and materials of the treatment of all boundaries with any reserved matters application – these details have been submitted.
- Condition 58 requires the submission of existing and proposed site levels, including finished floor levels, with any reserved matters application – these details have been submitted.
- Condition 59 requires any reserved matters application to be designed to accord with Essex Design Guide (1997 version) for minimum building to

building distances, minimum building to boundary distances and for minimum private amenity space standards for all types of dwellings – this matter is discussed below (Section 5.5).

- Condition 60 requires details of hydraulic flood modelling taking into account climate change to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted; a hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/1097/RES). The Flood Risk Assessment (FRA) includes the output from the modelling work undertaken and Ardent has prepared a brief modelling report to provide further clarification.
- Condition 62 requires an up-to-date flood risk assessment to be submitted with any reserved matters application – a Flood Risk Assessment has been submitted.
- Conditions 63 and 64 – surface water and foul drainage - surface water and foul drainage details have been submitted but have been approved as part of application reference 19/01093/FUL.
- Condition 65 requires vehicle parking details with any reserved matters application to accord with adopted vehicle parking standards (including the provision of 5% for visitors), the Design Codes and the Design and Access Statement – this matter is discussed below (Section 5.6).
- Condition 66 requires details of cycle parking with any reserved matters application to accord with adopted parking standards and the Design Codes – this matter is discussed below (Section 5.6).
- Condition 70 - requires any reserved matters application to be accompanied by an Ecological Conservation Management Plan Statement which demonstrates how it accords with the aims and objectives of the approved Ecological Conservation Management Plan – this document has been submitted.
- Condition 71 - requires the layout of any reserved matters application to take into account measures aimed at mitigating or offsetting the impacts on local air quality. An Air Quality Assessment has been submitted.
- Condition 72 - requires any reserved matters application to include a noise assessment detailing the noise environment across the site, in relation to BS8233:2014, and mitigation measures where relevant. A Noise Assessment has been submitted.
- Condition 78 - requires that any reserved matters application for layout includes details of a lighting strategy. The applicant states that a lighting strategy is included in the landscape drawings submitted.
- Condition 80 - requires that any reserved matters application includes a renewable energy statement which demonstrates that the total predicted carbon emissions will be reduced through the implementation of on-site renewable energy sources. An Energy and Sustainability Strategy has been submitted.
- Condition 82 - requires any reserved matters application to include details of temporary and permanent recycling facilities in accordance with the Design Codes and Design and Access Statement. A Refuse Strategy has been submitted.

3.1.20 The Section 106 (S106) Agreement associated with the outline planning permission (reference OUT/MAL/14/01103) secured the following:

- Highway and public transport obligations;

- Affordable Housing (30% - not less than 70% affordable rented units and not more than 30% intermediate affordable housing units);
- Education (provision of land for and a financial contribution to Essex County Council);
- Healthcare financial contribution;
- Provision of an allotment site;
- Financial contribution for youth facilities;
- A local management organisation to manage and administer the green infrastructure provided;
- Children's play areas.

3.1.21 The Deed of Variation completed in February 2018 (which facilitated the splitting of the site into two parcels - Eastern and Western) did not vary any of the above requirements.

### **3.2 Conclusion**

3.2.1 The principle of the residential development of the site has been accepted as the site forms part of a larger area of land which benefits from outline planning permission for residential development (most recently granted under reference 20/00074/FUL), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing.

3.2.2 Having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the outline planning permission which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance and the quality of life for the occupiers of the proposed dwellings. It is also considered that the development would be acceptable in terms of highways / access / parking, flood risk and nature conservation. Appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb, would be provided. The details of the recreational facilities proposed would be satisfactory.

3.2.3 Based on the above, it is recommended that the application is approved.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities

- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S2 – Strategic Growth
- Policy S3 – Place Shaping
- Policy S4 – Maldon and Heybridge Strategic Growth
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 - Employment
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D4 - Renewable and Low Carbon Energy Generation
- Policy D5 - Flood Risk and Coastal Management
- Policy H1 – Affordable Housing
- Policy H4 – Effective Use of Land
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide (where it cross references the MDDG and the garden suburb principles set out in the adopted Masterplan SPD and endorsed Strategic Design Codes)
- Maldon District Design Guide (December 2017) (MDDG)
- South Maldon Garden Suburb Strategic Masterplan Framework Supplementary Planning Document (SPD) (March 2018)
- South Maldon Suburb Strategic Design Code (March 2016)

## **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are: the principle of the development and the housing mix, the impact of the development on the character and appearance of the area, any impact on the

amenity of the occupiers of existing residential properties, the quality of life for the occupiers of the proposed dwellings, highways / access / parking, flood risk, nature conservation, and the acceptability of the details of the public open space proposed.

## 5.2 Principle of Development and Housing Mix

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.2 The principle of the development proposed for this site has been accepted as the site is part of a site allocated for residential development in the LDP and forms part of a larger area of land which benefits from outline planning permission (most recently granted under reference 20/00074/FUL), as part of which means of access to the site was approved. The provision of the dwellings proposed would make a positive and significant contribution to meeting the housing needs of the District, including affordable housing. Therefore, no objection is raised to the principle of the development proposed.

5.2.3 Condition 26 of the outline planning permission (reference 18/00071/FUL) requires the private market housing mix to be as follows:

Beds	Type	Percentage	Percentage for Phase 2 proposed
1	Flats	Minimum 3.4%	4%
2	Houses, bungalows, flats	Maximum 26.6%	%
3	Houses	No less than 35%	44%
4+	Houses	No more than 35%	50%

5.2.4 The market housing mix proposed and that approved as part of Phase 1 is set out below:

Beds	Type	Phase 1 (approved)	% Phase 1	Phase 2 (proposed)	% Phase 2	Total
		Number		Number		
1	Apartment	62	4%	6	4%	8 4%
2	House	17	4%	6	4%	23 10%
3	House	33	42%	62	42%	95 43%
4	House	22	50%	46	31%	68 31%
5	House	0		28	19%	28 13%
<b>Total</b>		<b>74</b>	<b>100%</b>	<b>148</b>	<b>100%</b>	<b>222</b> <b>100%</b>

5.2.5 The applicant advises that, whilst the percentages proposed do not completely align with those required by the outline planning permission (the percentage of 4+ bedroom houses is above the maximum 35% required), the percentages required will be achieved over the Western Parcel as a whole. The applicant states that the location of Phase 2 lends itself to providing larger detached family housing.

5.2.6 The proposed proportion of two-bedroom units as part of the current application (only 4%) would be significantly less than the 25-35% and the proposed proportion of 4+ bedroom units (at 50%) would be significantly more than the 15-25% required to comply with the Local Housing Needs Assessment (LHNA) (May 2021). However, no objection is raised to the proposed market housing mix as, across the Western Parcel as a whole, it will only need to comply with the requirements of the outline planning permission which was granted when the Council was unable to demonstrate a five-year housing land supply, before the adoption of the LDP and before the LHNA was published in May 2021. The housing mix has been accepted at outline application stage and so is not something that can be revisited through this reserved matters application.

5.2.7 The Section 106 Agreement requires the following affordable housing provision:

Unit type	Proportion of total affordable housing units	Proportion proposed for Phase 2 – 62 in total
1 bed flats	32% +/- 2.5%	42%
2 bed flats	8% +/- 0.5%	13%
2 bed houses	32% +/- 2.5%	35%
3 bed houses	8% +/- 0.5%	10%
1 bed elderly flats	5%	0%
1 bed elderly bungalows	5%	0%
2 bed elderly flats	5%	0%
2 bed elderly bungalows	5%	0%

5.2.8 With respect to the affordable housing proposed and that approved as part of Phase 1, the housing mix would be as follows:

		Phase 1 (approved)	Phase 2 (proposed)		Total
Beds	Type	Number	Number	% Phase 2	
1	Apartment	10	26	42%	36 38%
2	Apartment	2	8	13%	10 11%
2	House	16	22	35%	38 40%
3	House	4	6	10%	10 11%
1	Elderly flats	0	0		
1	Elderly bungalows	0	0		
2	Elderly flats	0	0		
2	Elderly bungalows	0	0		
<b>Total</b>		<b>32</b>	<b>62</b>	<b>100%</b>	<b>94 100%</b>

5.2.9 The applicant states that the mix broadly accords with the requirements of the S106 and that the elderly person units will be provided in the subsequent phase. The affordable housing mix proposed does not comply with the housing mix requirements of the Section 106 Agreement. The Section 106 Agreement also requires the tenure split of the affordable housing to be 70:30 rented:shared ownership. The current proposal is now for 18 shared ownership units and 44 rented units which is a ratio of 71:29 rented:shared ownership. However, as was the case with the Eastern Parcel, the overall housing mix across all of the phases of residential development within the

Western Parcel will need to comply and the Senior Specialist Co-ordinator - Housing has confirmed that they have no objection to the affordable housing mix proposed.

5.2.10 Strategic Housing Services note that the two-bedroom affordable rented flats in this Phase do not meet minimum sizes recommended in the National Described Space Standards (NDSS) for four-person units and so will need to be advertised as 2 bed 3 person units. However, there is no requirement as part of the outline planning permission for the affordable units to comply with NDSS.

5.2.11 Based on the above, it is considered that the principle of the development is acceptable, and no objection is raised to the housing mix proposed.

### **5.3 Design and Impact on the Character of the Area**

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.3.2 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”.*

5.3.3 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;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide SPD (2017) (MDDG) and the MDDG gives further guidance and technical details for Landscape and Public Open Space, Air Quality, Noise, Waste Management and Car Parking.

- 5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.
- 5.3.6 The Council envisaged that the South Maldon and North Heybridge Garden Suburbs would be high quality, vibrant and distinctive neighbourhoods that would complement and enrich the character of the Maldon district and protect and enhance the environmental qualities of the area. The garden suburbs are to contain local centres with a mixture of both community and business uses and served by public transport and connections to town centres by accessible and safe walking and cycle routes. They were to have large open spaces and ample landscaping for healthy lifestyles and well-being.
- 5.3.7 The development is subject to a Strategic Masterplan Framework and Design Codes. The South Maldon Strategic Masterplan Framework has been adopted by the Council as Supplementary Planning Guidance. There are Design Codes for Built Edges, Green Spaces, Green Edges and Primary Streets. A number of parameter plans were also approved as part of the outline planning permission: 'Design Parameter Plan – Land Use', 'Building Height', 'Residential Density', 'Green Infrastructure' and 'Movement and Access'. The Design Codes are a set of illustrated design requirements leading from the Masterplan Framework for the strategically important infrastructure that is central in defining the garden suburb character.
- 5.3.8 The application is supported by a Planning Statement, a Design Statement, an Arboricultural Impact Assessment, a Landscape Design and Access Statement and hard and soft landscape details.
- 5.3.9 The current application site essentially forms the majority of the Woodland View character area as identified in the Masterplan. The following Design Codes relate to the development currently proposed: Primary Street (PS01 PS03) Green Edge Streets (GE01) Green Space Streets (GS01 GS02 GS03) and Built Edge Streets (BS06 BS07).
- 5.3.10 In terms of density, the 'Residential Density Parameter Plan', approved as part of the outline planning permission, identifies the application site as being mainly an area of medium density (30-35dph) with low density (20-30dph) along the southern and most of the eastern boundary. The net density for Phase 2 is stated as net density of 26.3dph. This is below the densities set out in the 'Parameter Plan'. It is also important to note that granting permission for the development proposed would not increase the total number of dwellings permitted within the development as a whole which is limited to a maximum of 1000 dwellings by the outline planning permission (14/01103/OUT) i.e. the last phase of the Western Parcel could only deliver a maximum of 78 residential units under the existing planning permission.
- 5.3.11 The details of the layout, scale, appearance and landscaping which have been submitted have been developed as part of a pre-application process.
- 5.3.12 The residential development is divided into a series of blocks separated by a hierarchy of internal roads. The proposed dwellings would be positioned to overlook the roads and greenways so providing natural surveillance. The dwellings proposed along the site's external boundaries would be set back from these boundaries with intervening landscaping which would soften the visual impact of the development.
- 5.3.13 The dwellings would consist of a mixture of buildings, all two or two and half storeys in height, and a mixture of around 21 different house-types across the site, all with

pitched roofs and using traditional external materials. The proposed dwellings would not be of uniform style and design but would contain similar architectural features and visual clues such as pitched roofs, dormer windows, gabled projections and chimneys and a cohesive mix of external materials. It is considered that the proposal would result in a development that would, overall, have a consistent approach that would result in a visually compatible form of development. It is considered that the character and appearance of the dwellings proposed would be appropriate for this Garden Suburb site and consistent in relation to the schemes approved for previous phases within both the Eastern and Western Parcels.

- 5.3.14 Affordable housing is spread across the site. The affordable housing layout is considered to be a good design approach being comparable to that proposed for the market housing element of the scheme and responds to the type of affordable housing needed. The approach also satisfies the Maldon District Design Guide requirement (C16) that affordable housing should be indistinguishable from private market housing in terms of location and appearance 'to encourage social inclusion and community cohesion.'
- 5.3.15 The Arboricultural Impact Assessment submitted concludes that no trees require removal as part of the design layout, no Root Protection Areas (RPAs) of any trees will be impacted by the design layout and, provided precautions to protect the retained trees are specified and implemented through the measures included in the Assessment, the development proposal will have minimal impact on the retained trees or their wider contribution to amenity and character. Therefore, if the recommendations made within this report are followed, the development will be achievable in arboricultural terms.
- 5.3.16 The Strategy Theme Lead – Place has advised that the scheme pays regard to the Strategic Design Codes, the overarching Strategic Masterplan Framework and the approved Design Parameter Plans i.e. Density and Building Heights. A query has been raised regarding lighting in shared space streets (as Essex County Council will not adopt street lighting within these streets). It has been suggested to the applicant that lighting could be placed in Public Open Space adjacent to the shared space street instead to ensure that those walking and cycling could access their streets safely from the Public Open Space and that the management company would maintain lighting at these points. This lighting could be provided as part of the lighting strategy for the development. No objections are raised, in principle, to the external materials proposed.
- 5.3.17 The Tree Consultant has advised that the arboricultural information provided satisfactorily identifies the constraints of the trees and how they will be protected from construction pressures. Comments on the planting details submitted as part of the current application are awaited.
- 5.3.18 Subject to these comments, having assessed the details submitted in relation to the layout, scale, appearance and landscaping of Phase 2, in the context of the Strategic Masterplan Framework, the Design Codes and the approved Parameter Plans which relate to the application site, it is considered that the development proposed would be acceptable in terms of its character and appearance, and appropriate links with the existing urban area of Maldon and the educational, recreational and community facilities to be provided within the Garden Suburb would be provided. There is a variety in materials palette, architectural features and articulation / brick detailing to each unit type. The hard landscape materials palette is complimentary to the elevation materials palette and the means of enclosure is appropriate. No objection is raised to the external materials for the buildings proposed, which are considered to be appropriate for the development proposed.

5.3.19 In the context of the existing outline planning permission and allocation of the site for development, it is considered that the development proposed would not have an adverse visual impact and, therefore, comply with Policy D1 of the LDP, the adopted Masterplan, the MDDG, the South Maldon Garden Suburb Design Code and the NPPF.

#### **5.4 Impact on Residential Amenity**

5.4.1 The basis of policy D1 of the approved 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 Maldon District Design Guide (2017).

5.4.2 The application site abuts Phase 1 of the Western Parcel along its northern boundary which is in the process of being built-out. There are no existing dwellings to the east, south or west whose occupiers would be affected by the development proposed.

5.4.3 The proposed dwellings would be a maximum of two and a half storeys in height and positioned to create a distance of a minimum of 18.5m from the northern site boundary. As a result of this separation distance, along with the residential nature of the development proposed, it is not considered that the development would have a detrimental impact on the amenity of the occupiers of Phase 1 by reason of overlooking, loss of outlook, visual impact, daylight and sunlight. Due to the residential nature of the development proposed, the proposal would not give rise any issues in relation to smell, light or pollution. There is the potential for noise and disturbance etc. to adversely affect existing residents within the vicinity of the site during the construction period, but this impact would be minimised through the approved Construction Code of Conduct Method Statement as required by condition 81 of the outline planning permission (reference 19/05165/DET). In any event, the construction works would be temporary.

5.4.4 The Air Quality Assessment submitted advises that a review of local air quality monitoring data indicates that existing concentrations of NO<sub>2</sub> (Nitrogen Dioxide), PM (Particulate Matter) 10 and PM<sub>2.5</sub> in the area are well below the air quality objectives set for the protection of health and future increases in traffic associated with the wider development or other consented schemes in Maldon and are unlikely to significantly affect air quality at the proposed development. The Assessment concludes that air quality is not considered a constraint to the development of the site. The Specialist – Environmental Health has not raised any concerns in relation to air quality.

5.4.5 Based on the above, no objection to the proposal is raised in relation to the impact on residential amenity.

#### **5.5 Quality of Life for the Occupiers of the Proposed Dwellings**

5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.

5.5.2 All of the private amenity spaces proposed comply with the recommended minimum sizes. There would also be areas of public open space in close proximity to all of the

dwellings proposed. Direct 'back-to-back' distances would generally be at least 25m as recommended in the Essex Design Guide.

- 5.5.3 The Noise Assessment submitted assesses the impact of traffic noise on the occupiers of the proposed dwellings and concludes that with either open or closed windows the BS8233 internal noise levels will be met in all properties using standard double glazing.
- 5.5.4 The Specialist - Environmental Health has raised no objections to the proposal.
- 5.5.5 Therefore, the quality of life for the occupiers of the proposed dwellings would be satisfactory.

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

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking 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 including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 Condition 8 of the outline planning permission requires the development to be carried out in accordance with the Design Codes which, in relation to off-street parking provision, requires compliance with the Essex County Council (ECC) parking standards. These standards are a minimum of one space for one-bedroom dwellings and two spaces for dwellings with two bedrooms or more. Visitor parking is required at a rate of at least 0.25 spaces per dwelling. With respect to cycle parking, the standard required is one secure covered space per dwelling unless the dwelling has a garage, or a secure area is provided within the dwelling's curtilage. Cycle parking for visitors is required at a rate of 1 per 8 dwellings. Garages are required to have internal dimensions of 3m x 7m
- 5.6.3 A total of 541 car parking spaces are proposed including carports and garages and would include 53 parking spaces for visitors spread across the site. Secure cycle storage for all properties would be provided within back gardens or within the garages.
- 5.6.4 One parking space per one bedroom dwelling and two spaces per dwelling with two or more dwellings is included as part of the proposal. This complies with the standard referred to above and the visitor spaces are suitably located across the site with a mixture of on-street spaces and within shared space streets and parking courts. The garages / car ports proposed comply with the minimum dimensions required. Adequate cycle parking for dwellings has been included as part of the current application. The number and location of the electric charging points have not been included within the application, but this detail could be required by condition if the application were to be approved.
- 5.6.5 Access to Limebrook Park West is proposed to be taken from the external highway network in accordance with the outline consent i.e. via two new priority 'T' junctions with dedicated right-turn lanes on Maldon Road. The approved Movement and Access Parameter Plan shows the main vehicle and cycle / pedestrian routes. Details of the spine roads within the Western Parcel has already been approved as part of application 19/01093/FUL.

- 5.6.6 Essex County Council Highways have yet to formally respond to the consultation but have made the following comments:
- there could be better/additional pedestrian / cycle tie-ins into the cycleway/footpath around the perimeter of the site – these links are crucial for improving sustainable access choices;
  - The ramped feature adjacent to plots 167 & 168 should be replicated to the north of the site where the cycleway intersects the road;
  - The proposed bridge/culvert structure spanning the Environment Agency Registered watercourse to the north west of the site adjacent to the boundaries between Phase 1 and 2; this will, under the Third Party Structures AiP procedure, require an access area/bay to adequately cover proposed arrangements for future maintenance and inspection. This was deferred from Phase 1 and consequently has to be part of the Phase 2 layout;
  - Trees/Sightlines visibility splays at junctions should not be obstructed by trees – although exceptions are permitted where the trees have slender trunks and a high canopy;
  - The developer needs to ensure that proper procedures are followed to close and divert Public Footpaths no.41 Maldon and no.14 Hazeleigh, currently running through the middle of the Phase 2 layout and that the footbridge connection between footpath no.14 Hazeleigh and footpath no.1 Hazeleigh, in the south-east corner of the site, is retained if at all possible on the original alignment;
  - A Street Lighting brief will be required for adoptable areas only – the Street Lighting will not be assessed by ECC until the detail design stage;
  - A 20 mph speed limit zone to cover full area of phase including private roads;
  - It is noted that the intention is just for the main Type E road to be offered for adoption.
- 5.6.7 Essex County Fire and Rescue Services have also made comments on the proposal (unable to determine from the plans provided what the ‘fire access vehicular emergency links’ are by plots 10 and 25, and the road width and construction is between plots 22-29).
- 5.6.8 Drawings revised to address the issues raised by ECC Highways and Fire and Rescue have been received and further comments from these consultees have been sought. The process of diverting the public rights of way referred to above is in progress.
- 5.6.9 Means of access to the site was approved as part of the existing outline and infrastructure planning permissions (references 20/0074/FUL and 19/01093/FUL). Within the site, there would be a hierarchy of roadways along with provision of interconnecting public footpaths and cycleway, the locations of which were set out as part of the outline planning permission. The layout has taken account of Design Parameter Plans approved at outline stage and the location of residential land parcels within the highway and green infrastructure networks. The access arrangements for pedestrian and cycle movement is functional and practical for the residential parcels and would provide access to play areas and direct routes to services and facilities off road.
- 5.6.10 The proposal would provide adequate pedestrian and cycleway links with the Eastern Parcel to facilitate access to the facilities to be provided within the Eastern Parcel (local centre, school, allotments, sports facilities etc.) by the Western Parcel residents. The pedestrian and cycle routes and surface treatments are considered

appropriate where adjacent to the primary street network and within public open space.

- 5.6.11 Condition 18 of the outline planning permission requires a bus service through the site prior to occupation. Condition 19 of the same permission requires applications for approval of reserved matters to include details of bus stop infrastructure including bus stop locations. There would be no bus stops within Phase 2 but the bus route through the Western Parcel would cross the north-western corner of the site and all residents would be within 400m (5-minute walk) of a bus stop which is considered to be a reasonable walking distance.
- 5.6.12 Essex County Council Highways has yet to formally comment on the proposals but, in the absence of an objection and taking into account the Urban Design Officer's comments received, no objection is raised to the development proposed on the grounds of highway safety or access, and the proposal follows the parameters agreed as part of the outline planning permission including the vehicular access points to the site. Provision for a bus route through the Western Parcel and any off-site highway works required as part of the development of the Western Parcel have been secured through the existing Section 106 Agreement for the site.
- 5.6.13 Based on the above, it is considered that the proposal is acceptable with respect to highway safety / access / parking issues.

## **5.7 Flood Risk and Drainage**

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.7.2 The application is supported by a Flood Risk Assessment.
- 5.7.3 Condition 60 of the outline planning permission requires hydraulic flood modelling with applications seeking approval of reserved matters. Condition 61 of the same permission requires that no development commences until details of who responsible for management and maintenance of watercourses is approved (which has already been approved as part of the reserved matters approval for Phase 1). Condition 62 of the same permission requires that an up-to-date Flood Risk Assessment is submitted with applications seeking approval of reserved matters. A Flood Risk Assessment has been submitted as part of the current application. A hydraulic flood modelling report for the whole of the Western Parcel was submitted and approved as part of the reserved matters approval for Phase 1 (reference 19/01097/RES).
- 5.7.4 The site has outline planning permission for development and is allocated in the LDP for development, so the development is deemed to have passed the Sequential and Exceptions Tests.
- 5.7.5 As part of the Flood Risk Assessment (FRA) submitted, the following conclusions are reached:
- Fluvial - All of the site is within Flood Zone 1 except for the north-eastern corner of the site but measures are proposed to mitigate this flood risk i.e. raising finished floor levels by 300mm above the 1 in 100 AEP event central climate change allowance (+25%) maximum flood level which would include raising ground levels by up to a maximum of 1m.
  - Ground water; sewer flooding, flooding from artificial sources – all low risk

- Surface Water – mainly ‘very low’ or ‘low’ risk. There are three small areas of ponding at ‘high’ risk which mitigation would address.
- 5.7.6 The flood risk assessment aims to establish that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.7.7 Condition 63 of the outline planning permission requires that, with the first application for approval of reserved matters, a detailed surface water drainage scheme for the entire site based on SuDS principles and an assessment of the hydrological and hydro geological context of the development is provided. Condition 64 of the outline planning permission requires that any application for approval of reserved matters includes details of foul water drainage for that phase. The drainage details for the whole of the Western Parcel were approved as part of 19/01093/FUL.
- 5.7.8 Surface water discharge will be restricted to greenfield runoff rates into the existing watercourses with surface water attenuation provided up to the 1 in 100 year climate change event through the use of swales, attenuation basins and ponds in public places as part of the greenways and public open space which will be provided prior to the construction of buildings and roads to ensure surface water runoff does not increase temporarily during construction.
- 5.7.9 Foul drainage will be conveyed through the Eastern Parcel to an adoptable foul pumping station where flows will be pumped to the existing Anglian Water foul sewer in Farnbridge Road. The system has been designed to accommodate flows from the whole of the Western Parcel.
- 5.7.10 Anglian Water Services has not commented on the proposal but did not raise objection to the previous application seeking approval of reserved matters for Phase 1 (reference 19/01097/RES) or the infrastructure proposed for the Western Parcel (reference 19/01093/FUL).
- 5.7.11 Essex County Council SuDS Team and the Environment Agency have raised no objections and have not recommended that any conditions are attached if permission were to be granted. However, the development would need to be completed in accordance with the recommendations of the FRA submitted.
- 5.7.12 Based on the specialist advice received, it is concluded that the development would not cause adverse issues with respect to flooding and drainage.

## **5.8 Nature Conservation**

- 5.8.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District’s green infrastructure network.
- 5.8.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.8.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.8.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development

which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.8.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.6 The application is supported by Ecological Conservation Management Plan and Statement August 2021 (as required by condition 70 of the outline planning permission) which includes during construction and post construction protection measures and mitigation measures which would include the provision of integrated bat boxes, Manthorpe swift boxes and hedgehog highways.
- 5.8.7 Essex Wildlife Trust has not commented on the proposal but ECC Ecology have advised that, having reviewed the Ecological Conservation Management Plan - Ecological Conservation Management Plan and Statement Phase 2 of Limebrook Park West, Maldon (SES, August 2021), they are satisfied that:
- the boundary habitats of Lime Brook corridor and Maldon Wick Local Wildlife Site (LWS) is to be retained and enhanced and linked-in with the area of public open space. Enhancements include creating wildflower meadows adjacent to the brook and new planting within the public open space, including amenity grassland and fruiting trees.
  - the hedgerows within the site will be retained and none will be removed to allow access into this land parcel. They note all retained hedgerows are to be enhanced and maintained.
  - the details contained within Appendix 3: 5-year management plan of the Ecological Conservation Management Plan (SES, August 2021) are acceptable.
  - the suggested locations of the Hedgehog Highway, Integrated Bat boxes, Integrated Swift Bricks and reptile hibernacula as shown in Appendix 4 of the Ecological Conservation Management Plan (SESs, August 2021) are acceptable. Furthermore, the general arrangement plan legend - prepared by Macfarlane Associates also shows 1.8m high larch lap fencing with hedgehog hole at corner.
- 5.8.8 ECC Ecology notes that, based on the Highways General Arrangement prepared by Arden, the street lighting is shown positioned away from trees identified as having Low to High Bat Roosting potential on the boundaries of this land parcel. Furthermore, the Landscape Drawing Pack prepared by Macfarlane Associates identifies suitable native species planting within the areas of public open space.
- 5.8.9 Based on the above, ECC Ecology raise no objection to this application subject to a proportionate financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured as required by Habitats Regulations Assessment (HRA) Appropriate Assessment, and the ecological mitigation and enhancement measures identified being undertaken. Natural England has also advised that permission should not be granted until a Habitats Regulation Assessment has been carried out.
- 5.8.10 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within

Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones Of Influence' (ZOI) of these sites cover the whole of the Maldon District.

- 5.8.11 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these ZOI constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. The application site falls within the ZOI for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. Natural England's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is currently £127.30 per dwelling and would be used to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.8.12 However, the current application is seeking approval of matters reserved as part of the outline planning permission and the principle of the acceptability of the development has already been established as part of that extant outline planning permission which specified the maximum number of residential units. The development, the subject of the current application would result in no greater impact than the development the subject of the outline planning permission and therefore, it is not necessary or reasonable for the Local Planning Authority to seek mitigation as part of the current application.
- 5.8.13 To accord with Natural England's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the Zone of Influence (Zoi) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? Yes

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment - As a competent authority, the Local Planning Authority concludes that the development the subject of the current application would result in no greater impact than the development the subject of the outline planning permission (reference OUT/MAL/14/01103) and therefore, it is not necessary or reasonable for the Local Planning Authority to seek mitigation as part of the current application.

5.8.14 Based on the above, in the absence of any objection from consultees and based on the contents of the Ecological Conservation Management Plan submitted, no objection to the proposal is raised on the grounds of its impact on nature conservation.

## 5.9 Other Material Considerations

5.9.1 Energy Efficiency: The Energy and Sustainability Strategy submitted sets out the measures planned by the applicant to achieve sustainable design and CO2 reductions at the development site. The report describes the specifications adopted by the applicant to address all aspects of energy efficiency including, fabric insulation standards; thermal bridging minimisation; construction detailing to reduce unwanted ventilation losses; efficient heating and hot water plant; controls for managing behavioural aspects of demand; recovery of waste heat; and efficient plant. Solar PV would be provided to 10% of the affordable dwellings and electric car charging facilities would be provided. The level of energy saving would be above Building Regulation requirements.

5.9.2 Archaeology: Essex County Council Archaeology have raised no objections and advised that the area in question has been previously archaeologically trial-trenched and no significant archaeological remains have been identified. On this basis, no objection to the proposal is raised on the basis of impact on archaeology.

5.9.3 Contaminated Land: The Specialist - Environmental Health raises no objections and this matter has been dealt with by conditions attached to the outline planning permission.

## 6. ANY RELEVANT SITE HISTORY

- **Outline Application Site:**
  - **13/01169/SCR**– Request for a Screening Opinion for Development south of Limebrook Way, Maldon – Required.
  - **14/01103/OUT** - Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure – Approved, following completion of a Section 106 Agreement, 01.12.2016.
  - **16/01454/FUL** - Variation of conditions 5, 13 & 14 on approved planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017 - Deed of variation subsequently completed 26.02.2018.

- **16/01458/FUL** - Variation of condition 11 and removal of condition 12 on planning permission 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 16.02.2017.
- **17/00367/NMA** - Application for non-material amendment following grant of Planning Permission of 0110/OUT as amended by permissions 16/01454/FUL and 16/01458/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) Amendment sought: Amendment to conditions 5 & 6 – Approved 26.04.2017.
- **17/00396/FUL** - Variation of condition 27 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 24.07.2017 - Deed of variation subsequently completed 26.02.2018.
- **18/00070/FUL** - Variation of condition 7 on approved application 17/00396/FUL (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.
- **18/00071/FUL** - Variation of conditions 5,13,21,25,43,53,55,61, 63,67,68,69,74,81,84 on approved application 14/01103/OUT (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.) – Approved 13.04.2018.

- **19/00101/MLA** - Application for a modification to Section 106 legal agreement executed under planning application 16/01454/FUL –Deed of Variation completed.
- **19/01134/FUL** - Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 27.03.2020
- **20/00074/FUL** - Variation of condition 10 (speed review strategy) and 20 (pedestrian/cycle crossing of Limebrook Way) on approved application 19/01134/FUL (Removal of condition 11 (details of 'Access Link Strategy') on approved planning application FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67, 68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure.)) Approved 19.06.2020
- **Western Parcel Only:**
  - **19/01093/FUL** - Full planning application for infrastructure works, including: foul and surface water drainage, provision of highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071. Approved 04.02.2020
  - **19/01097/RES** - Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking. Approved 19.03.2020
  - **20/00294/FUL** - Variation of condition 2 (approved drawings) and removal of condition 4 (vehicle link to western boundary) of planning permission 19/01093/FUL (Full planning application for infrastructure works, including: foul and surface water drainage, provision of

highways; site levelling and associated works for the Western Parcel of planning permission FUL/MAL/18/00071.) Approved 09.06.2020

- **20/00697/FUL** - Variation of condition 1 on approved planning permission 19/01097/RES (Reserved matters application for the approval of appearance, landscaping, layout and scale for Phase 1 of the Western Parcel of planning permission FUL/MAL/18/00071 (Variation of conditions 5,13,21,25,43,53,55,61,63,67,68,69,74,81,84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure) comprising 106 residential dwellings (Use Class C3), new public open space and car parking.) Approved 07.10.2020
- **20/00856/PROW** - Diversion of a public footpath 41 (PROW 253) & 14 (PROW 248). Undetermined

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

### 7.1 Representations received from Parish / Town Councils

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval.	Noted.
Woodham Mortimer with Hazeleigh Parish Council	No response.	

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
SuDS Team at Essex County Council	No objections.	Noted – refer to section 5.7 of report.
Environment Agency	No adverse comments.	Noted – refer to section 5.7 of report.
Natural England	Advise that planning permission should not be granted until such time as a HRA has been carried out and the conclusions confirmed in line with guidance.	Noted – refer to section 5.8 of report.
Essex County Council Highways Authority	No formal response but comments made.	Noted – refer to section 5.6 of report. Formal response following receipt of amended drawings awaited.

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Archaeology	The area in question has been previously archaeologically trial-trenched and no significant archaeological remains have been identified. There will be no requirement for any further archaeological fieldwork within Phase 2.	Noted – refer to section 5.9 of report.
Anglian Water Services	No response.	
Essex and Suffolk Water	No response.	
Essex Wildlife Trust	No response.	
Essex County Fire and Rescue	<p>Access for Fire Service - most access roads within the development do meet the minimum required standard, but a single vehicle parked on the access roadway, may prevent entry by emergency services. They recommend the inclusion of parking restrictions in the vulnerable areas.</p> <p>Unable to determine from the plans provided what the 'fire access vehicular emergency links' are by plots 10 and 25, and the road width and construction is between plots 22-29. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.</p>	Noted – a requirement for parking restrictions would be a matter to be address by ECC Highways. A further response is awaited following the receipt of amended drawings. Refer to section 5.6 of report.
North East Essex Badger Group	No response.	

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	Having reviewed the supporting information, both noise and air quality impacts have been suitable considered and according to the detail appear satisfactory. On this basis, they raise no adverse comments or objections to the application.	Noted – refer to sections 5.4 and 5.5 of report.
Strategy Theme Lead - Place	No adverse comments.	Noted – refer to section 5.3 of report.
Tree Consultant	The arboricultural information provided satisfactorily identifies the constraints of the trees and how they will be protected from construction pressures. I have no objection.	Noted – refer to section 5.3 of report. Comments on planting details are awaited.
Lead Countryside and Coast Co-ordinator	No response.	
Senior Specialist Co-ordinator - Housing	No adverse comments.	Noted – refer to section 5.2 of report.
ECC Ecology	No objection to this application subject to securing a proportionate financial contribution towards the Essex Coast RAMS as required by HRA Appropriate Assessment, and the ecological mitigation and enhancement measures identified being undertaken in full.	Noted – refer to section 5.8 of report.

### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received.

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be completed and maintained in accordance with the following approved plans and documents:
  - Landscape Design and Access Statement 3210.MA.RP001 August 2021

- Energy and Sustainability Strategy August 2021
- Air Quality Assessment August 2021
- Noise Assessment 10799/01 August 2021
- Arboricultural Impact Assessment September 2021
- Flood Risk Assessment ref. 181872-01 August 2021
- Ecological Conservation Management Plan and Statement August 2021
- PH2-PL-001 Location plan
- PH2-PL-002 Rev.B Development layout
- PH2-PL-003 Rev.A Detailed layout
- PH2-PL-004 Rev.A Parking Layout
- PH2-PL-005 Rev.A Garden Areas Layout
- PH2-PL-006 Rev.A Storey Heights Layout
- PH2-PL-007 Rev.A Refuse layout
- PH2-PL-008 Rev.A Colour of materials layout
- PH2-PL-009 Rev.A HA location plan
- PH2-WI-002 Working layout Phase 2
- HA-CR-01 rev.A Cromer
- HA-CR-02 rev.B Cromer A
- HA-HA2B-01 rev.A HA2B
- HA-HA2B-02 rev.A HA2B A
- HA-HA3B-01 rev.A HA3B
- HA-HA3B-02 rev.B HA3B A
- HA-HA52-01 rev.A HA52
- HA-HA52-02 rev.B HA52 A
- HA-HA61-01 rev.A HA61
- HA-HA61-02 rev.B HA61 A
- HA-HA61-03 rev.B HA61 B
- HA-RE-01 rev.A Redgrave
- HA-RE-02 rev.B Redgrave A
- HT-AP1-01 rev.A AP1
- HT-AP1-02 rev.B AP1 A
- HT-AS-01 rev.A Ashstead
- HT-AS-02 rev.A Ashstead A
- HT-AS-03 rev.B Ashstead B
- HT-BU-01 rev.A Buckingham
- HT-BU-02 rev.A Buckingham A
- HT-CH-01 rev.A Chesham
- HT-CH-02 rev.A Chesham A
- HT-CH-03 rev.B Chesham B
- HT-CH-04 rev.A Chesham C
- HT-DO-01 rev.A Dorking
- HT-DO-02 rev.A Dorking A

- HT-FI-01 rev.A Filey
  - HT-FI-03 rev.B Filey B
  - HT-HA-01 rev.A Hatfield
  - HT-HA-02 rev.B Hatfield A
  - HT-HA-03 rev.B Hatfield B
  - HT-KE-01 rev.A Keswick
  - HT-KE-02 rev.B Keswick A
  - HT-KE-03 rev.A Keswick B
  - HT-MA-01 rev.A Marlborough
  - HT-MA-02 rev.A Marlborough A
  - HT-MA-04 rev.A Marlborough C
  - HT-RO-01 rev.A Romsey
  - HT-RO-02 rev.A Romsey A
  - HT-RO-03 rev.B Romsey B
  - HT-SA-01 rev.A Salcombe
  - HT-SA-02 rev.A Salcombe A
  - HT-SE-01 rev.A Seaton
  - HT-SE-02 rev.A Seaton A
  - HT-SE-03 rev.B Seaton B
  - HT-ST-01 rev.A Stamford
  - HT-ST-02 rev.A Stamford A
  - HT-WA-01 rev.A Walton
  - HT-WA-02 rev.A Walton A
  - HT-WI-01 rev.A Winkfield
  - HT-WI-02 rev.B Winkfield A
  - HT-WI-03 rev.A Winkfield B
  - HT-WN-01 rev.A Windsor
  - HT-WN-02 rev.A Windsor A
  - GR-01 SG1 & SG2
  - GR-02 SG3
  - GR-03 DG1
  - GR-04 Cycle store
  - 3210.900 Landscape Illustrative Masterplan
  - 3210.1000 -1011 General Arrangement Plans: Legend, Master and Sheets 1-10
  - 3210.2000 Planting Schedule
  - 3210.2002-2011 Planting Plans Sheets 1-10
  - 3210.7001 Typical Details Edging and Boundaries
  - 181872-007 rev.B Highways General Arrangement
  - 181872-003 Proposed Levels Strategy
- REASON To ensure that the development is carried out in accordance with the details as approved.

2. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) referenced 181872-01 August 2021. The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.  
REASON To reduce the risk of flooding to the proposed development and future occupants, in accordance with the NPPF and Policy D5 of the Maldon District Approved Local Development Plan.
3. The development shall be carried out in accordance with the approved Ecological Conservation Management Plan and Statement August 2021. The mitigation measures shall be fully implemented prior to occupation of any of the residential dwellings hereby approved.  
REASON In the interests of nature conservation, in accordance with the NPPF and Policies N1, N2 and N3 of the Maldon District Approved Local Development Plan.
4. No dwelling hereby permitted shall be occupied until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.  
REASON To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.