REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES  
to  
COUNCIL (EXTRAORDINARY)  
18 FEBRUARY 2016

<table>
<thead>
<tr>
<th>Application Number</th>
<th>RES/MAL/15/01055</th>
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<tbody>
<tr>
<td>Location</td>
<td>Land East Of Wycke Hill Maldon Essex</td>
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<tr>
<td>Proposal</td>
<td>Approval of Reserved Matters application relating to the approval of appearance, landscaping, layout and scale as required by condition 1 and 3 of Outline Planning Permission ref APP/X1545/A/14/2213988 (Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access OUT/MAL/13/00763). This reserved matters application is for 108 dwellings</td>
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<tr>
<td>Applicant</td>
<td>Mr John Baines - Linden Partnerships Ltd</td>
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<tr>
<td>Agent</td>
<td>Mr Joshua Hymer - Nathaniel Lichfield &amp; Partners</td>
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<tr>
<td>Target Decision Date</td>
<td>31 December 2015</td>
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<tr>
<td>Case Officer</td>
<td>Chris Purvis, TEL: 01621 875851</td>
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<tr>
<td>Parish</td>
<td>MALDON WEST</td>
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| Reason for Referral to the Committee / Council | Departure from the Local Plan  
Major Application  
Parish Trigger  
The site forms one of the sites in the South Maldon Garden Suburb as identified in the submitted Local Development Plan |
1. **RECOMMENDATION**

   **APPROVE** subject to the conditions (as detailed in Section 7 of this report).

2. **SUMMARY**

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

   2.1.1 The site is allocated within the submitted Local Development Plan (LDP) as a strategic growth area for Maldon. This is recognised as LDP site S2(c) and forms one of the sites within the South Maldon Garden Suburb. The LDP allocation for this site is for 75 dwellings but outline planning permission was allowed on appeal in December 2014 for a development up to 120 dwellings under reference OUT/MAL/13/00763. The outline determined the principle of the development and access to the site via a new roundabout junction to be installed along the existing A414 to the west of the existing roundabout junction of the A414, Wycke Hill and Limebrook Way.

   2.1.2 This application seeks approval of the reserved matters relating to the appearance, landscaping, layout and scale following the outline planning permission. This reserved matters application is for 108 dwellings and is the second reserved matters application following the recent reserved matters application for 117 dwellings (reference RES/MAL/15/00071), which is currently subject of an appeal against non-determination. The reserved matters application for 117 dwellings was determined by the extraordinary meeting of the Council on 3 September 2015 to be unacceptable and would have been refused (Minute No. 362 refers). The appeal will be considered through the appeals hearing’s procedure on 30 and 31 March 2016.

2.2 **Conclusion**

   2.2.1 The proposal is likely to be the first development within the South Maldon Garden Suburb to be built and it is considered essential that the development is of a high quality and in accordance with the principles as identified in the submitted LDP and South Maldon Garden Suburb Strategic Masterplan Framework (SMF).

   2.2.2 Officers have sought to positively and proactively engage with the applicant and the applicant’s agent over the last few years since the site was allocated as a strategic site within the South Maldon Garden Suburb. The applicant has also worked closely with the Council and other stakeholders in the preparation of the South Maldon Garden Suburb Strategic Masterplan Framework. The first reserved matters application was considered unacceptable for a number of reasons. In summary, these related to the cramped layout, unsympathetic design and appearance, the scale and bulk of the flatted development, the numerous parking courts, inadequate private and communal amenity space, insufficient landscaping, insufficient cycle parking provision and as a result of traffic noise impacting upon future occupiers of dwellings nearest the road network. That overall development was considered to constitute over-development of the site. Officers sought unsuccessfully to agree further revisions to the first reserved matters application and the applicants took the decision to appeal before the completion of these discussions and any further changes to the proposals.
2.2.3 This second reserved matters application has sought to address the reasons stated above and also demonstrate as a result of the revisions to the original proposals that the overall reserved matters application is considered to be acceptable. The proposal now provides:

- a more spacious layout to development with better site coverage and important spaces between buildings.
- a reduced density that reflects the principles set out in the SMF.
- a reduction in bulk and scale of some of the flatted development.
- an acceptable design approach with more architectural detailing and suitable material types, although it should be noted that details of materials will need to be agreed through condition.
- a more detailed landscaping scheme with trees planted around the site boundaries and within the streetscene.
- off street car parking spaces for all dwellings through spaces, car ports and garages. On street parking visitor spaces. Cycling parking provided for flats.
- an acceptable level of private and communal amenity space with two areas of public open spaces including play space.
- an increase garden sizes where these fell below normally acceptable standards with two areas of public open spaces including play space.
- a market housing mix which meets the largest Strategic Housing Market Assessment (SHMA).
- the development will be constructed within five years to maintain the Council’s current five year housing land supply.

2.2.4 The above points all represent positive improvements but there are two remaining points with the proposed layout of the development. These are that there is only limited front garden areas to dwellings where front gardens form a characteristic of existing Garden Suburb developments; and that the proximity of dwellings to the road and roundabout junctions, existing and proposed, would require mitigation measures to be installed in certain dwellings and flats but these can be achieved through condition 17 from the outline permission.

2.2.5 In weighing up the planning balance it is considered that this second reserved matters application is acceptable subject to specific reserved matters conditions being imposed as stated in Section 7. For these reasons this reserved matters application is considered acceptable.

3. MAIN RELEVANT POLICIES

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

3.1 National Planning Policy Framework 2012 in particular the following sections:

- Achieving sustainable development
- The Presumption in Favour of Sustainable Development
- Core Planning Principles
- Section 4 – Promoting Sustainable Transport
• Section 5 – Supporting High Quality Communication Infrastructure
• Section 6 – Delivering a Wide Choice of High Quality Homes
• Section 7 – Requiring Good Design
• Section 8 – Promoting Healthy Communities
• Section 11 – Conserving and Enhancing the Natural Environment
• Decision - Taking
• Annex 1 – Implementation

3.2 **Maldon District Replacement Local Plan 2005 – Saved Policies:**
• S1 - Development Boundaries and New Development
• S2 - Development Outside Development Boundaries
• CON5 – Pollution Prevention
• CC3 – Development Affecting Locally Designated Nature Conservation Sites
• CC4 – Local Nature Reserves
• CC5 – Protection of Wildlife on Development Sites
• CC6 - Landscape Protection
• CC7 – Special Landscape Areas
• H6 – Housing Density
• H9 – Affordable Housing
• BE1 – Design of New Development
• BE3 – Public and private amenity spaces
• BE8 - Lighting
• REC3 – Children’s Play Space associated with new housing developments and elsewhere in the district
• REC11 – Blackwater Rail Trail
• T1 – Sustainable Transport and Location of New Development
• T2 – Transport Infrastructure in New Developments
• T4 – Cycle Routes
• T6 - Improvement to Pedestrian Facilities
• T8 - Vehicle Parking Standards
• PU2 – Recycling Facilities in New Developments

3.3 **Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**
• S1 – Sustainable Development
• S2 – Strategic Growth
• S3 – Place Shaping
• S4 – Maldon and Heybridge Strategic Growth
• S8 – Settlement boundaries and the Countryside
• D1 – Design Quality and Built Environment
• D2 – Climate Change and Environmental Impact of New Development
D3 – Conservation and Heritage Assets
D5 – Flood Risk and Coastal Management
E3 – Community Services and Facilities
H1 – Affordable Housing
H2 – Housing Mix
H4 – Effective Use of Land
N1 – Green Infrastructure Network
N2 – Natural Environment, Geodiversity and Biodiversity
N3 – Open Space, Sport and Leisure
T1 – Sustainable Transport
T2 – Accessibility
I1 – Infrastructure and Services
I2 – Health and Wellbeing

3.4 Relevant Planning Guidance / Documents:
- Car Parking Standards
- Essex Design Guide
- National Planning Policy Guidance (NPPG)
- South Maldon Garden Suburb Strategic Masterplan Framework (SMF)

4. MAIN CONSIDERATIONS

4.1 Site Description

4.1.1 The site measures 2.88 hectares in total and currently contains three residential dwellings, an area of hard standing that was previously used as a nursery, and a former riding school with associated grazing land. The main access to the site is from A414 and another access serving the existing ‘Leas’ property is also off A414. There is an existing watercourse that runs through the southern section of the application site which is known as Lime Brook. The site boundaries have established and defined hedgerows and some trees.

4.1.2 Along the north western site boundary is the A414 which links Maldon to Danbury and the A12. Beyond the A414 to the northern side of the road is open farmland with the nearest farmstead being Knowles Farm, which is set back from the A414. To the north east is Limebrook Way, which meets the nearby roundabout junction with Wycke Hill. Beyond Limebrook Way is Wycke Hill Business Park which contains a supermarket, petrol station, a bulky goods store as well as a number of industrial units. To the south of the application site is agricultural land. To the east of the site is the Wycke Meadow Local Wildlife Site which is an Essex Wildlife Trust Nature Reserve and also adjoins the Maldon Wick Nature Reserve comprising of one and a half miles of abandoned railway line which is now a mosaic of grassland scrub of particular value for its butterfly populations. The Maldon Wick Meadow Local Wildlife Site comprises of grassland with a large pond.
4.2 Relevant History

4.2.1 Officers have sought to positively and proactively engage with the applicant and the applicant’s agent over the last few years since the site was allocated as strategic site within the South Maldon Garden Suburb. The first outline application was submitted in August 2013 (reference OUT/MAL/13/00763) and was refused permission on 29 November 2013. This application was then subject to an appeal and the appeal was allowed on 19 December 2014, which allows for a development of up to 120 dwellings. This reserved matters application follows that outline permission.

4.2.2 There has been a more recent second outline application, reference OUT/MAL/14/00698, which was subject to consideration at the October 2014 Central Area Planning Committee meeting and approved by the Planning and Licensing Committee in November 2014. However, this application, was at the stage of producing the Section 106 legal agreement when it was withdrawn by the applicant on 13 March 2015 after the submission of the first reserved matters application on 29 January 2015.

4.2.3 This is the second reserved matters application and follows a number of meetings / discussions which started during the life of the first reserved matters application in April 2015, where Officers requested the application be amended address a number of reasons. At the time of the meetings Officers considered that progress was being made towards a revised proposal but then the applicant reverted back to the scheme as originally submitted with exception of balconies being added to the flatted development on plans submitted on 6 July 2015. Before any further consultation could take place an appeal was lodged against non-determination of the first reserved matters application. That reserved matters application was for 117 dwellings and was considered at the extraordinary meeting of the Council on 3 September 2015 where Members agreed that the application would have been refused for two reasons as stated below:

1. The proposed development as a result of its layout and site coverage, its unsympathetic design and appearance, the scale and bulk of the flatted development, the numerous parking courts and the limited on street landscaping would have an unacceptable impact on the character of the site and surrounding area contrary to the principles identified in the South Maldon Garden Suburb Strategic Masterplan Framework and policies S3, S4, D1 and H4 of the submitted Maldon District submission Local Development Plan, policy BE1 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework and Planning Practice Guidance.

2. The proposal, as a result of its unsympathetic design and poor layout, inadequate private and communal amenity space, insufficient landscaping, traffic noise and insufficient cycle parking provision for the flats would lead to the creation of a cramped form of development that would represent overdevelopment of the site and would be detrimental to the amenity of future occupiers of these dwellings. Furthermore, the proposed layout shows that the dwellings fronting onto the A414 and around the proposed roundabout junction would be subject to significant noise levels from road traffic noise which would be detrimental to the future occupiers of these dwellings. The proposal would be contrary to the principles set out in the South Maldon Garden Suburb Strategic Masterplan Framework and policies S3, S4, D1, D2
4.2.4 The appeal against non-determination of the first reserved matters application will be considered at a two day hearing on 30 / 31 March 2016. For this second reserved matters application to be acceptable it needs to be demonstrated that the reasons for refusal have been satisfactorily addressed.

4.3 Principle of the Development

4.3.1 This site is the smallest of the three sites within the South Maldon Garden Suburb but is the first to have received planning permission. Outline planning permission (reference OUT/MAL/13/00763) was granted on appeal on 19 December 2014 and allows for a development of up to 120 dwellings. This therefore establishes that the principle of the development of the site for housing has been considered acceptable.

4.3.2 In determining that appeal the Inspector had regard to the submitted LDP policies and particularly submitted LDP Policies S3 (Place Shaping) and S4 (Maldon and Heybridge Strategic Growth) which were given ‘considerable weight’ by the Inspector. The Inspector recognises the principles within LDP policies S3 and S4 have been incorporated within the South Maldon Garden Suburb Strategic Masterplan Framework (SMF). The SMF provides an illustrative guide for the future development of the area as a ‘Garden Suburb’ and forms a material consideration for this application. This approach to new development within the Districts follow the requirements of paragraph 52 of the NPPF which identifies that ‘the supply of homes can sometimes be best achieved through planning large scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities’. The SMF was endorsed by the Council on 11 September 2014 (Minute No. 405 refers).

4.3.3 This second reserved matters application is to determine the reserved matters of appearance, landscaping, layout and scale for a development of 108 dwellings. The outline permission approved access and the principle of development.

4.4 Strategic Masterplan Framework

4.4.1 LDP policies S3 and S4 required the SMF to be produced as an ‘illustrative guide for developers’ and sets out the spatial vision for the area. The South Maldon Garden Suburb is being planned as a high quality, vibrant and distinctive new neighbourhood which is well integrated with surrounding communities. The applicants have been fully involved in the development of the SMF.

4.4.2 The South Maldon Garden Suburb will be required to incorporate the following key requirements:
- A comprehensive and well planned approach that provides homes, jobs and community facilities;
- Places where people will want to live and interact through active citizenship and civic amenity;
• A strong landscape character that incorporates well managed open space, tree lined streets and natural areas for amenity and wildlife;
• Integrated and easily accessible transport systems, incorporating public transport, walking and cycling;
• A clear and harmonious relationship between town and country;
• High quality and detailed architecture that is characterful, innovative and adaptable.

4.4.3 Specifically for site S2(c) the SMF identifies a number of requirements specifically:
• Identification of the site falling within the northern part of the Wycke Meadow Way Character Area which requires the following character objectives:
  • To provide a gateway to the western part of the Garden Suburb that respects and enhances the wildlife areas to the east and the Lime Brook which runs through part of the site.
  • An urban form that is structured around the area’s strong features with buildings fronting onto streets and open spaces that are overlooked and feel safe.
  • A higher density of housing given the site’s location to the local centre and new employment area.
  • A residential character.
  • Car parking to be structured around a series of secondary and tertiary streets in a variety of forms.
  • Open space is a key part of this character area as it comprises a number of wildlife areas and water features.
• A requirement for the part of the Lime Brook pedestrian / cycle link to be included within the site, to the south side of the Lime Brook.
• A requirement for a pedestrian link in a north/south direction which would allow linkage to the site to the north (site S2(b)) across the existing A414.
• A requirement for a pedestrian link towards the existing Wycke Hill roundabout junction of the A414 and Limebrook Way.
• A secondary street hierarchy within the development which would include a 5 - 7.5m (metre) carriageway, 2m verge (on one side), 2m path and 3 - 5m deep front gardens on both sides.

4.5 Layout and Site Coverage

4.5.1 The layout and site coverage needs to considered in regard to NPPF paragraphs 17 bullet points 4 and 5, Section 7 – requiring Good Design; Replacement Local Plan (RLP) policy BE1 a) i), ii), ix), x) and e); and LDP policies D1 1) c), d), S3 1) and H4 1); and the Garden Suburb principles/key objectives and vision set out in the SMF.

4.5.2 The Framework Masterplan (FM) taken from the SMF identifies the parcel of land subject to this application and although not annotated this is LDP site S2(c). A number 1 is marked on the FM for the site’s location. From the FM, which is set at a larger scale than the plans submitted with the application, the key characteristics of what is required for this part of the South Maldon Garden Suburb can be identified. This includes two pedestrian / cycleway routes. These are the east-west route
alongside the Lime Brook which passes through part of the site and the north-south link which passes through the site connecting to the site to the existing A414 where there would be a crossing point for the continuation of this route into the site to the north, known as LDP site S2(b). Outside of the site the existing A414 road forms the northern barrier linking to a roundabout junction with Limebrook Way which heads east and Wycke Hill which heads north. The fourth arm to the roundabout junction provides access to the existing Wycke Hill Business Park and a supermarket. Outside and to the east of the site is the Wycke Meadow Local Wildlife Site immediately adjoining the eastern boundary with the Maldon Wick Nature Reserve is located further to east along the former railway embankment.

4.5.3 In addition to the FM the SMF sets out design principles for the Wycke Meadow Way Character Area where the site is located. It should be noted that this character area extends beyond the site and therefore forms a larger area than the site. The objective for this character area is to provide a gateway to the western part of the Garden Suburb that respects the natural features that frame and cross it, notably Wycke Meadow and the Lime Brook.

4.5.4 The plans subject of consideration of this application represents an improvement when compared to the previous application. The reduction in dwellings numbers from 117 to 108 (and in density from 40.6 dph [dwelling per hectare] to 37.5 dph) has allowed for a more spacious layout to the development and the incorporation of more space around the dwellings. As considered later in this report the proposed layout has allowed for dwellings to have improved levels of private amenity space.

4.5.5 At the entrance to the site the previously proposed block of flats that wrapped around the street corner as large block with no breaks in building form is no longer proposed. Instead two blocks of flats are now proposed (Blocks A and B) and Block B is further set back from the road/roundabout junction. These blocks of flats would be separated by an area of amenity space and communal amenity space is now proposed to the rear of the blocks adjacent to a courtyard parking arrangement. This addresses the previous concerns over the layout of the development at this location and the previous parking dominant layout with no communal amenity space areas.

4.5.6 Block C still represents a large block that is adjoined by a flat over a garage and a terrace of three dwellings. The continuation of this built form still forms some concerns as it is heavily urban representing a continuation of built form with no breaks in between the buildings. In attempt to address some of these concerns the built form of development in between Block C and the terrace of three dwellings, which is a flat over a garage, has been set back slightly to help stagger the built form and improve the appearance. Amenity space is proposed around this block to help soften its appearance and provide communal amenity space. This is located alongside the reduced area of parking court to the rear represents an improvement over the previous application.

4.5.7 Block D would be sited towards the northern part of the site and would include a parking area. The building is also close to a young woodland but following the submission of revised plans this building has been re-sited to be 2.2m away from the boundary. To the south east of this building would be an amenity area for the flats adjoining a square with a communal amenity space which would include a Local Area of Play (LAP), which is required by condition from the outline permission. The
dwellings in this part of the site would all front into the streetscene around this square which provides good natural surveillance and an acceptable design approach.

4.5.8 Block E would form a block of flats fronting onto the largest area of public open space in the site which is adjacent to the Lime Brook and the important east-west pedestrian / cycleway route. The area of public open space would accommodate the Locally Equipped Area of Play (LEAP), which is required by condition from the outline permission. This area would also border the neighbouring wildlife areas to the east.

4.5.9 The layout of the houses is more spacious than the previous application with parking to be provided in garages, car ports or adjacent to the dwellings with visitor parking to be provided on street. The houses would be sited within close proximity to the footway alongside the road which means there is limited space for front gardens to be created, which is a key characteristic of existing Garden Suburbs / Cities such as Hampstead, Welwyn and Letchworth. In fact, the front gardens of the properties vary between 1m to 2m in depth whereas larger front gardens would be expected to reflect the characteristics of existing Garden Suburbs / Cities. These small front garden areas would be used for the planting of hedges / shrubs as detailed in the landscaping plans. For some properties boundary treatment in the form of metal railings would be installed. The agent has stated that to introduce front gardens would result in the dwellings being set back further and this would result in smaller private amenity spaces for each garden. This needs to be considered in the overall planning balance and in regard to the outline permission which allowed up to 120 dwellings. The previous reserved matters application for 117 demonstrated that this level of development could not be accommodated in an acceptable manner with a number of issues presented with that previous application which overall was considered to constitute overdevelopment of the site.

4.5.10 The approach to car parking provision still contains a number of parking courts but the reduction in dwellings also reduces the parking space requirements. The number of parking courts has been reduced from nine to six. In general, the size of parking courts has also been reduced and additional tree planting has been introduced. It is recognised that parking for the flats needs to be provided in this way and the guidance for the Wycke Meadow Way Character Area in the SMF recognises that a variety of car parking should be considered. The layout of the parking courts are less dominant in the layout and the reduction in dwellings numbers has also reduced the parking court land take. The proposed layout shows that some parking would be located behind buildings but this allows for more attractive streetscenes to be created where dwellings front the road rather than streetscenes being characterised by a concentration of parking to the front of properties. The Wycke Meadow Way Character Area from the SMF encourages buildings fronting the street to ensure open spaces are overlooked and feel safe, which is evident in the square to the north of the development and also through the main area of public open space adjacent to the Lime Brook.

4.5.11 The proposed layout plan shows that the key pedestrian / cycleway routes as identified in the SMF have been included to allow for the wider connections to the other areas of the South Maldon Garden Suburb to be formed. This allows for pedestrian and cycle permeability through the site and for the east-west route along the Lime Brook which would help achieve the approach as identified in the SMF for
pedestrian and cycle use away from roads. However, the layout does not provide pedestrian linkages from the north eastern part of the site to the future footway that will run along the A414 and around the roundabout junction into Limebrook Way. Whilst this footway alongside the road does not exist at present it is planned to be developed as part of the overall development of the South Maldon Garden Suburb and through condition 5 of the outline permission. Whilst further connections to the site can be made via the north west part of the site there is an opportunity for forming a footpath link from the north east part of the site to the new footway, although this would be over Council owned land and is outside of the control of the applicant.

4.5.12 The overall layout and site coverage of this revised application represents an improvement when compared to the previous application. The SMF allows for a higher density development in the Wycke Meadow Way Character Area as one of the inner locations within the Garden Suburb adjacent to the existing urban area.

4.6 Scale and Design

4.6.1 The scale and design of the development is considered in regard to NPPF paragraphs 17 bullet points 4 and 5, Section 7 ‘Requiring Good Design’; RLP policy BE1 a) iv) vi) and c), and LDP policies D1 1) a) and b), S3 6), and the Garden Suburb principles/key objectives and vision set out in the SMF. It follows that permission should be refused as stated in paragraph 64 of the NPPF.

4.6.2 The scale of the development would provide buildings of 2, 2.5 and 3 storeys in height, all with pitched roofs. The blocks of flats represent the largest buildings on the site at three storeys high but these are located at different areas around the site which help form different landmark buildings as a source of wayfinding through the development. For instance, Block E is located adjacent to the area of public open space and wayfinding around the site allows for this area to be identified. The range of building heights also creates variety to the development with a range of building heights.

4.6.3 One of the concerns from the previous application was the scale and bland design of the blocks of flats. Block A and B adjacent the roundabout junction at the entrance of the site are proposed as two separate buildings which helps break up the form, massing and scale of these blocks compared to the previous application. The appearance of the buildings has also been improved by the introduction of more architectural detailing and variety of materials. With enhanced hedging and trees planted to the front boundary of the roundabout this would further soften the appearance of these blocks. The scale is considered acceptable for this application.

4.6.4 The scale and mass of Block C would represent the largest block on the site and there has been concern over its impact coupled with the adjoining flat over the garage and the terrace of three dwellings. The issue relates to the scale of the roof form which appears high but would represent the same pitched roof as all other buildings proposed within the site. Officers have previously advised that the flats should be designed with the upper flats being contained within the roofscape, which is an approach taken with a recent development in Letchworth Garden Suburb which is included within the applicant’s appeal documentation to the previous application. This issue has been raised with the agent but the scheme has not been amended. This
block would be set within an area of amenity land with landscaping helping to reduce its impact and for this reason it is considered to be acceptable.

4.6.5 Block D would be set behind a woodland area which helps soften its appearance and provide a set back from the edge of the highway, and block E fronts the area of public open space which lessens impact.

4.6.6 The scale of the proposed dwellings is considered acceptable.

4.6.7 The SMF does not provide any detailed guidance on the design approach to be adopted in the Wycke Meadow Way Character Area. The design approach is a contemporary interpretation of the traditional ‘arts and crafts’ approach that was adopted and widely used with Garden Suburb / Cities developments in Hampstead, Welwyn and Letchworth. There are no objections to this design approach and the proposed development shows a range of individual detailing to the development which adds interest to the design of the proposed buildings. The types of detailing which are stated in the Design and Access Statement include soldier coursing around the window, tiled window cills, flat roofed canopies, flat roofed dormers finished in a grey colour to match the roofscape, gable ends and tile verges. Some of the flatted development includes balconies which help add interest to the buildings.

4.6.8 The Design and Access statement advises that a simple palette of materials is proposed comprising of red brick with roughcast render in a natural colour finish to the elevations, and concrete grey / red / brown coloured roof tiles with reconstituted slate. For the boundary treatment timber fencing, brick walls, railings and gates would be used.

4.6.9 The scale and design of the proposed development when consider in the context of the more spacious layout of the development raises no objections.

4.7 Density

4.7.1 The NPPF is silent on housing density instead advising local planning authorities to set their own approach to reflect local circumstances. RLP policy H6 set density levels of between 30 - 50 dwellings per hectare based on the former PPG3 requirements. However, the submitted LDP policy D4 considers a design-led approach is most applicable taking into account the location of the proposed development.

4.7.2 In allowing the appeal the Planning Inspector has allowed for a development of up to 120 dwellings and recognised that the illustrative layout plan provided with the outline application provided a ‘useful guide when considering the proposal’. That illustrative layout plan showed a different scheme to this application. Whilst the outline permission has accepted a higher density range above the 75 dwellings allocated in the LDP it needs to be demonstrated that the layout, scale and appearance of the development can be acceptably accommodated. The SMF envisages that an average density range of 30 - 35 dwellings per hectare across the South Maldon Garden Suburb with variation in different character areas. The Wycke Meadow Way Character Area is identified in the SMF to comprise higher density housing due to its proximity to the local centre, the new employment area and the existing commercial uses to the north.
4.7.3 The density of the proposed development is 37.5 dwellings per hectare which is slightly above the overall density numbers across the South Maldon Garden Suburb but as is suitable for the Wycke Meadow Way Character Area. This density reflects a reduction from the previous reserved matters application which would have created a density of 41 dwellings per hectare.

4.8 Landscaping

4.8.1 Landscaping is considered through Section 11 – Conserving and Enhancing the Natural Environment of the NPPF; RLP policy BE1 a) ix), d) and e), and LDP policies D1 1) c), S3 3) and S4 bullet point 9, and the Garden Suburb principles/key objectives and vision set out in the SMF. It follows that permission should be refused as stated in paragraph 64 of the NPPF.

4.8.2 Landscaping is a key characteristic of Garden Suburbs and it is therefore of paramount importance that the proposed landscaping scheme is acceptable in establishing this site as a recognised site within the South Maldon Garden Suburb. The SMF includes green infrastructure that allows for connections across the Garden Suburb through greenways and open space for permeability through the site with 40% of the Garden Suburb being green open space.

4.8.3 With regard to the existing landscaping in the site planning condition 11 from the outline permission require details in the form of an arboricultural method statement to be approved separately from this application. Condition 12 deals with a tree protected plan separately from this reserved matters. An application to discharge condition 11 was refused in June 2015 as not enough information was provided and there has not been any further applications submitted to discharge this condition. This current application includes information in the form an updated Tree Protection Plan which shows that all existing vegetation within the site would be removed. Around the site boundary trees and hedges would be retained. The retention of existing trees and hedgerows are important as they provide an amenity contribution to the site and the surrounding area as well as biodiversity value, particular to the Maldon Wick Nature Reserve and the Wycke Meadow Local Wildlife Site to the east.

4.8.4 A series of landscaping plans have been submitted with the application showing the proposal is to provide a level of landscaping throughout the site. The landscaping of the site particularly within the public domain is an important factor in achieving Garden Suburb principles in recognising this site and the wider South Maldon Garden Suburb as a Garden Suburb different from the existing housing developments to the south of Maldon.

4.8.5 In comparison with the previous application more detailed landscaping plans have been submitted. The more spacious layout to the development allows for more landscaping to be provided. The landscaping planting plan shows that trees would be planted along streets within the site which is sought by the SMF and identified for secondary routes which form part of the internal road network in the site. The two amenity spaces within the site would be laid to grass with trees and hedging planted around the boundary of this area. The frontage areas of the proposed dwellings would be planted with hedges and shrubs with some these properties having black painted metal railings 1.1m high which would help retain the vegetation from overgrowing onto the footways in the site. The blocks of flats would include laid lawn, shrubs and
trees within the front, side and rear garden areas. It is considered that the level of landscaping proposed within the development is acceptable.

4.9 Provision of Amenity Space

4.9.1 Section 11 – Conserving and Enhancing the Natural Environment of the NPPF; RLP policy BE1 f), and LDP policies D1 2), and the Garden Suburb principles/key objectives and vision set out in the SMF.

4.9.2 As in the case of the previous reserved matters application this current application has been assessed against the Essex Design Guide (EDG) (1997 version) which forms supplementary planning guidance. The requirements of the EDG for private amenity space are as follows:

- Houses of one or two bedrooms need a minimum of 50m².
- Houses of three or more bedrooms need a minimum of 100m².
- Flats of two or more bedrooms (which may be occupied by households with children) communal residential gardens must be provided on the basis of a minimum area of 25m² per flat.

4.9.3 For flats the EDG states that communal amenity space must contain a sitting out area that receives sunshine. Unusable strips of space between car parks or roads will not count as communal amenity space. In addition, balconies may provide outdoor amenity space and where a balcony is more than 5m² this will count towards provision. Similar provision is also welcomed for one bedroom flats, although it is recognised that residents of such flats may be happy to forego this amenity if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. In this instance the application site is not located in a town centre or a core area but a Garden Suburb and therefore communal amenity space and balconies is required for the future occupiers of the flatted development.

4.9.4 The reduction in dwelling numbers from 117 to 108 has led to a more spacious layout than the previous application and this has resulted in benefits through larger garden sizes than the previous application.

4.9.5 From the 51 dwellings of three bedrooms or more there are 12 dwellings that would provide more than the minimum 100m² requirement of the EDG which represents an increase on the previous application which only showed that four dwellings would meet this minimum requirement of the EDG. All other dwellings of three bedrooms or more would have private amenity spaces between 75m² and 100m², which has been considered acceptable on other developments within the District.

4.9.6 For the two bedroom dwellings, all two bedroom dwellings would provide 50m² or more of private amenity space.

4.9.7 For the flatted development, all flats would have communal amenity space and Blocks A and B would have a combined communal amenity space of 193m² to the rear of the flats and this would serve a total of 9 flats. For Block C a communal amenity space of 225m² to the rear of the flats which would serve a total of 10 flats. For Block D the communal amenity space would be 305m² and all flats would have a balcony area but the balcony areas are below the 5m² so would not count towards the amenity space.
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provision. For Block E the communal amenity space would be 214m² and this block is adjacent to the area of public open space. Block E would have balconies to five of the nine flats in this block and only two of these, the corner balconies, would be more than 5m² to be considered to contribute towards the amenity space provision. The balconies below 5m² would still provide an outside for the occupants of each flat.

4.9.8 The previous application included balconies for all flats but there were concerns over the proximity of balconies to the front elevations of the flats facing out to the proposed roundabout junction or the existing A414. Instead the current application does not include balconies to Blocks A to C but does include a communal amenity space to the rear of these flats which represents a more usable and quieter space than balconies fronting the buildings, which fronted the A414 road. Earlier in the current application proves revisions to the rear elevations of the flats were sought to improve the design of the building and it was suggested that balconies were included to the rear elevations of these buildings. However, the amended plans do not include these but the provision of communal amenity space provides an acceptable level of amenity space for these flatted developments.

4.9.9 Blocks D and E both have balconies serving the flats. There are no objections to the balconies to Block E. Block D has balconies and two of the balconies on this block face towards the roundabout and would not provide a pleasant outdoor environment as occupiers would be subject to road traffic noise and pollution. These flats would have alternative amenity space area to the rear of the building in the form of a communal amenity garden as well as access to the square playspace area (LAP).

4.9.10 The layout plan includes two areas of public open space. The largest area of public open space is located towards the south east corner of the site and would facilitate a Local Equipped Area for Play (LEAP), which is a requirement through condition 13 of the outline permission with details of its future management and maintenance to be provided through condition 14. The plans shows that a LEAP would provide six different forms of play equipment enclosed in a fenced area with two access gates and two benches. This area of public open space is appropriately located close to the pedestrian and cycle routes that would run parallel to the Lime Brook through the wider Garden Suburb.

4.9.11 The second area of public open space would be located towards the northern part of the site as part of square that would be fronted by a number of properties. This area of public open space would include a Local Area for Play (LAP), which is also required through conditions 13 and 14. The LAP includes three areas of play equipment, two access gates and two benches in a fenced square.

4.9.12 The two areas of public open space are considered to be acceptable.

4.10 Landscape and Visual Impact

4.10.1 The submitted LDP policy S8 applies the NPPF’s requirement, from paragraph 17, that development should not adversely impact upon ‘the intrinsic character and beauty of the countryside’. This is an important consideration because the site / Garden Suburb borders the rural countryside so sensitivity is needed in regard to the development’s impact upon the rural countryside. The SMF considers the landscape and visual impact of development within the South Maldon Garden Suburb. The site
would fall within the wider Woodham Wooded Farmland area which is recognised for its gently undulating arable farmland and is therefore considered to be a ‘valued landscape’ when applying paragraph 109 of the NPPF. Furthermore current RLP policies CC6 (Landscape Protection) and CC7 (Special Landscape Area) recognise the area’s landscape value.

4.10.2 The allocation of the site and the wider area as the South Maldon Garden Suburb would result in the loss of part of this landscape character to future development which would have been assessed through the production of the LDP and allocation of the site as South Maldon Garden Suburb. Nevertheless, individual planning applications need to be considered in the context of this landscape as the South Maldon Garden Suburb will border the rural countryside. This site would eventually form one of the inner South Maldon Garden Suburb sites surrounded by development but for a period time, based on the site receiving planning permission first, the site is likely to be developed whilst bordering the countryside.

4.10.3 Having regard to LDP polices S3 and S4 and in granting outline planning permission the Inspector from the appeal process has accepted this for development in terms of its landscape and visual impact. The detailed layout and design of the proposal considered through this reserved matters application is acceptable. The development would initially be seen within the context of the neighbouring adjacent rural countryside but would eventually be seen within the context of the wider South Maldon Garden Suburb.

4.11 Nature Conservation

4.11.1 The layout plan shows a 5m buffer along the eastern side of the site which from the outline application was offered by the applicant. This was considered necessary during the appeal process as way to safeguard development encroaching upon the Maldon Wick Nature Reserve and the Wycke Meadow Local Wildlife Site to the east. Essex Wildlife Trust, who manages both these wildlife areas to the east has been consulted but no response has been received. It is considered that this buffer strip allows for sufficient separation from the development from the existing hedgerow (which may include nesting birds) and the wildlife areas to the east.

4.11.2 Details requiring further ecology surveys and prevention of works during the bird breeding season (1 March to 30 August) are subject of planning conditions 8 and 9 of the appeal decision to the outline application.

4.12 Housing Mix and Affordable Housing

4.12.1 There are no policies in the current Local Plan regarding housing mix but the submitted LDP through policy H2 identifies housing mix as a policy and accords with the requirements of paragraph 50 of the NPPF. The pre-amble to the policy through the evidence base from the Strategic Housing Market Assessment (SHMA) identifies that the District has an unbalanced high number of large dwellings of three or more bedrooms and for one and two bedroom units there is a less than half the national average. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units over all housing types. For affordable housing the same need requirements apply,
however, for market housing the need is for one, two and three bedroom units with an over provision of four bedroom plus units.

4.12.2 The below shows the housing mix for the development:

<table>
<thead>
<tr>
<th>Dwelling type</th>
<th>Total dwellings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed flat</td>
<td>18</td>
</tr>
<tr>
<td>2 bed flat</td>
<td>18</td>
</tr>
<tr>
<td>1 bed house</td>
<td>0</td>
</tr>
<tr>
<td>2 bed house</td>
<td>21</td>
</tr>
<tr>
<td>3 bed house</td>
<td>34</td>
</tr>
<tr>
<td>4 bed house</td>
<td>11</td>
</tr>
<tr>
<td>5 bed house</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total dwellings</strong></td>
<td><strong>108</strong></td>
</tr>
</tbody>
</table>

4.12.3 For market housing the proposed development would provide a housing mix comprising of 76 dwellings of one, two and three bedroom units which meets the SHMA requirements for market sector housing. There would be 17 larger market housing units in the form of four and five bedroom dwellings.

4.12.4 For affordable housing it should be noted that the legal agreement from the outline permission requires 30% of the development to provide affordable housing. The outline permission was ‘up to 120’ dwellings but this application is only proposing 108 dwellings. This is further broken down in the legal agreement as stated in the table below. The indicative affordable housing plan submitted with this application meets the 30% affordable housing level from the legal agreement but does not accord with the breakdown of affordable units as shown in the table below:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Outline Permission legal agreement</th>
<th>Indicative level of Affordable Housing Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bed flat</td>
<td>41%</td>
<td>56% (18 units)</td>
</tr>
<tr>
<td>2 bed flat</td>
<td>47%</td>
<td>31% (10 units)</td>
</tr>
<tr>
<td>2 bed house</td>
<td>6%</td>
<td>6% (2 units)</td>
</tr>
<tr>
<td>3 bed house</td>
<td>6%</td>
<td>6% (2 units)</td>
</tr>
</tbody>
</table>

4.12.5 The legal agreement requires approval of the affordable housing scheme and this has to be submitted to and approved by the Council but will be subject of a separate application process to the reserved matters application. The breakdown from the table above shows some minor differences between the 1 and 2 bedroom flats but the legal agreement allows for some minor variations ‘as otherwise agreed in writing’ is included in the text. The Housing team require specific 2 bedroom four person dwellings and this development would include 2 bedroom three person flats as shown on the plans. The legal agreement does not breakdown the affordable housing units to the number of persons per unit.

4.13 Flood Risk and Drainage

4.13.1 The NPPF provides the most up to date policy position when assessing flood risk and supersedes any out dated RLP policies on flood risk. Policy D5 of the submitted LDP provides local flood risk considerations and seeks to direct development to the lower risk flood zones, which this site falls within. The outline permission has considered
and accepted the site as suitable for development in terms of flood risk. Condition 19 of the outline permission requires details of the surface water drainage scheme to be submitted before development commences on site. At the time of writing there has been no application to discharge this condition which would be dealt with through a separate application process to the reserved matters.

4.14 Access, Parking and Highway Safety

4.14.1 Section 4 of the NPPF, submitted LDP policies T1, T2, RLP policies T1, T2, T4 and T8, the SMF and Maldon’s Vehicle Parking Standards are applicable.

4.14.2 The outline permission approved the roundabout junction and access into the site from the existing A414. The technical details of the roundabout junction would be dealt with through condition 5 of the outline permission. At the time of writing there is no current application to discharge this condition which would be dealt with through a separate application process to the reserved matters. The layout includes a ‘T’ junction for accessing LDP site S2(a) to the south.

4.14.3 The SMF includes an access and movement strategy requiring various infrastructure improvements. Specific to this site is the Lime Brook pedestrian and cycleway link which passes through part of the site in an east / west direction. There is also a pedestrian link running in a north / south direction from the Lime Brook pedestrian and cycleway link to the existing A414 where it would link to a crossing point and head north through LDP site S2(b) Wycke Hill North. The layout plan shows that these links have been included to accord with the illustrative masterplan within the SMF.

4.14.4 The layout plan also shows internal roads and footpaths within the site as well as potential linkages beyond the site but some connections are limited and restricted by the Maldon Wick Meadow Local Wildlife Site to the east and by land outside of the applicant’s ownership. These links will be achieved through other planning permissions. For instance the development at site S2(a) has conditions and obligations requiring connections to be provided and the current live application for site S2(b) will also have conditions and obligations requiring connections to be provided, all to ensure the connections across the South Maldon Garden Suburb are achieved. The overall layout raises no objections from ECC Highways.

4.14.5 The adopted Maldon District Vehicle Parking Standards (VPS) apply and they set the following maximum car parking space requirements for residential development:

<table>
<thead>
<tr>
<th>Bedroom Numbers and Requirements</th>
<th>Maximum space per dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 bedroom</td>
<td>1 space</td>
</tr>
<tr>
<td>2/3 bedrooms</td>
<td>2 spaces</td>
</tr>
<tr>
<td>4 bedroom</td>
<td>3 spaces</td>
</tr>
<tr>
<td>Development with communal parking to each dwelling</td>
<td>1 visitor space for every 2 dwellings</td>
</tr>
</tbody>
</table>

4.14.6 The VPS allow for more variation of the maximum car parking standards in town centre locations. However, this site is not within or close to the Maldon town centre
to allow for a lower level of parking standard to apply. Therefore, the development should meet or be close to the maximum requirements.

4.14.7 The proposed development provides 219 car parking spaces for 108 dwelling units. This equates to a ratio of two car parking spaces per unit. There are also 14 visitor spaces proposed. A breakdown of the parking spaces shows that every dwelling unit has a parking space with all the flats having an allocated parking space within their allocated parking court. The two / three bedroom units all have at least two car parking spaces per unit with some units having three car parking spaces. All four / five bedroom units have least three car parking spaces. It is considered that the proposal provides an acceptable level of car parking provision for all the dwelling types. Visitor parking adds parking provision through demarcated on street parking allocations which would not interfere with the free flow of road traffic. All the car parking space and garage dimensions meet the VPS.

4.14.8 Cycling throughout the South Maldon Garden Suburb is promoted through SMF and would be provided through identified cycle routes which are away from main roads providing safe environment for cycling. The Framework Masterplan identifies these routes with two routes which passing through the site.

4.14.9 The VPS also identifies requirements for cycle parking standards as follows:

- None if garages are provided;
- 1 for one bedroom units;
- 2 for two or more bedroom units;
- 1 visitor space per eight units.

4.14.10 The 36 garages within the development offer the opportunity to provide secure cycle parking provision for those properties with private garaging. There are also car ports proposed with the development but as open structures these would not offer secure cycle parking but these are associated with houses that would have rear gardens where there are opportunities for cycle storage in an outbuilding within the garden.

4.14.11 The main issue from the previous reserved matters application was that no cycle parking was provided for the flatted development on site, which was unacceptable. This has now been addressed as within the parking court of each of the blocks of flats there would be an outbuilding used for cycle storage and refuse storage. This offers safe, secure and covered cycle parking storage.

4.15 Effect upon Neighbouring Properties

4.15.1 RLP policy BE1 and submitted LDP policy D1 provide residential amenity considerations.

4.15.2 The nearest neighbouring dwelling to the application site is Knowles Farm, which is over 100 metres away and given the distance involved this neighbouring property would not be significantly affected by the proposed development. The next nearest neighbouring developments are the commercial units located to the north and east of the Wycke Hill roundabout and they would be unaffected by the development.
4.15.3 The layout of the proposed development has been assessed against the Essex Design Guide (EDG) (1997 version) which forms supplementary planning guidance. The EDG identifies requirements for building to building and building to boundary distances for ensuring daylight / sunlight and rear privacy levels are acceptable for the benefit of future occupiers. For daylight the EDG recommends that a 25 degree vertical angle area 2m above ground level is not impeded. For rear privacy the building to building distance should achieve at least 25m, for upper storey flats this should be 35m and for building to boundary distance there should be set back at least 15m. This is based on buildings having a siting that is parallel to each other.

4.15.4 Generally, the proposed layout has allowed for sufficient space between buildings in terms of daylight and sunlight requirements and for some of the building to building distances. With fewer dwellings than the previous reserved matters application the proposal provides a more spacious layout. There are some exceptions with the distance between buildings of plots 47 and 48 to 42 being 21.7m, plot 36 to 40 being 22.6m, and 105 to 108 being 22.36m which are all less than the 25m requirement but these are the only examples within the overall development. There are examples of close building to building distances where a rear elevation faces a side elevation which has no windows and therefore would not result in any loss of privacy.

4.15.5 For the flats, only part of the rear elevation of Block B to plot 16 would infringe the 35m building to building distance as the distance would be 32m; however, this is angled direction so the direct building to building distance would not be a parallel building to building relationship to result in a significant loss of privacy. Only Blocks D and E have balconies but none of these face private gardens or face towards habitable room windows. The balconies are small in size and could only accommodate a small sitting out area or just a standing platform.

4.15.6 For the building to boundary distance there are examples of gardens being less than 15m deep to meet the building to boundary distance but this does not present an issue as space between building to building is acceptable to not warrant any significant loss of amenity for future occupiers.

4.15.7 The layout of the proposed development is acceptable in terms of the living conditions of occupiers of the existing nearby neighbouring properties and those future occupiers of the site.

4.16 Noise Impact

4.16.1 The proposed layout shows dwellings sited alongside the existing A414 and up to, and partly around, the proposed roundabout junction. These proposed dwellings shown on the layout plan would range between 9.7m to 13.6m from edge of the carriageway. Whilst it is envisaged that dwellings would be sited to provide a frontage to this road, the positioning of these dwellings and their internal layout needs careful consideration to ensure the future residents are not susceptible road traffic noise. This part of the A414 is a busy section of road which currently forms the only primary ‘A’ road within the District. As the Garden Suburb is developed a future relief road is proposed which should divert some of the through traffic away from this route. However, the Relief Road is not envisaged to be completed until 2024, based on the latest Infrastructure Phasing Plan (IDP), and as the Transport Assessments which form the evidence base for the LDP identify the traffic levels on this section of road
would be lower than the existing traffic levels, as the Relief Road would form part of the primary road network.

4.16.2 In comparison to the previous application changes have been made in seeking to address previous noise concerns. The changes show that development would be set back further from the edge of the highway than the previous application.

4.16.3 Condition 17 of the outline permission requires a detailed specification to be approved to protect the future occupiers of these dwellings along this roadside edge from traffic noise. The condition requires the following sound levels to be achieved for the internal noise environment:

<table>
<thead>
<tr>
<th>Location</th>
<th>Day time: 7:00 to 23:00</th>
<th>Night time 23:00 to 7:00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Living Room</td>
<td>40dB LAeq,16hour</td>
<td></td>
</tr>
<tr>
<td>Dining Room</td>
<td>45dB LAeq,16hour</td>
<td></td>
</tr>
<tr>
<td>Bedroom</td>
<td>40dB LAeq,16hour</td>
<td>35dB LAeq,8hour</td>
</tr>
</tbody>
</table>

4.16.4 Condition 17 requires the detailed noise specification to be submitted prior to the commencement of development and not through this reserved matters application. It has been requested that the noise specification is submitted to run alongside this reserved matters application but the agent has advised that this work has yet to be undertaken by the applicant and therefore will be provided at a time after this reserved matters application has been determined. Therefore, this application has to be determined based on the layout of the development.

4.16.5 To achieve the noise level requirements stated in the table above Environmental Health have advised that it is likely that habitable rooms facing the road would need to have an alternative form of ventilation as opening windows will result in the internal noise levels above those requirements. In seeking to address such concerns the internal layout of plots 21 and 22 have been reconfigured and have sited the rear habitable rooms and bedrooms at first floor to face the rear garden areas. Other dwellings have been designed to have kitchens and bathrooms on the front elevation such as plots 18 and 19 to address the noise concerns. The blocks of flats B, C and D have a number of habitable rooms facing the roundabout junctions and the road. All relevant rooms in dwellings facing the road would need to meet the above noise levels stated in the table taken from condition 17. This can be achieved through construction techniques and thicker glazed windows but ultimately such details will be agreed at the time of the application to discharge condition 17 from the outline permission.

4.16.6 For any outside areas condition 17 requires ambient sound level from road traffic noise on balconies, terraces and outdoor living areas shall not exceed 55dB LAeq, 16hour. For Blocks A, B and C and for the dwellings fronting the A414 in this location the communal gardens are to be provided to the rear of the dwellings and therefore the buildings to some extent as a noise screen to reduce the sound impact upon these gardens. Block D would have balconies facing towards the roundabout junction of the A414, Wycke Hill and Limebrook Way and this would impact upon the amenity of the future occupiers of these flats. It has been requested that these balconies are omitted as Environmental Health consider that they would not be able to achieve the ambient sound level of 55dB LAeq or less than. Other than these
requirements balconies and amenity areas within the development are likely to be considered acceptable to achieve the noise requirements.

4.16.7 Taking into account Environmental Health’s comments this development is balanced from a noise impact perspective but it is recognised that the reduction in the number of dwellings and revised layout of the development is an improvement in comparison to the previous reserved matters application. The noise specification details will be determined by condition 17 from the outline permission but it is considered in layout terms that this development raises no objections. Various mitigation measures will need to be implemented following agreement through condition 17 from the outline permission to ensure that the amenities of future occupiers are protected.

4.17 Air Quality

4.17.1 Environmental Health have commented on air quality issues but the outline planning application considered air quality through the appeal process and the Inspector did not consider air quality to be an issue stating that ‘future residents would not be adversely affected by unacceptable levels of air pollution’, following the air quality report submitted with that outline application. Nevertheless the design and layout of the development would be set back from the A414 roadside by approximately 8.5 to 9m to help reduce the impact of pollution vehicle traffic using the road.

4.18 Refuse Facilities

4.18.1 A plan showing the bin storage strategy has been provided showing refuse areas within each dwelling and communal refuse areas within the flatted developments. A number of ‘muster collection points’ are shown for bin collection purposes.

4.19 Sustainability

4.19.1 Sustainability is a material consideration with the determination of this appeal and in terms of sustainability paragraph 14 of the NPPF applies the ‘presumption in favour of sustainable development’ and for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

4.19.2 To assist with the assessment of sustainability it is necessary to assess whether the proposed development is ‘sustainable development’ with regard to the three dimensions to sustainable development as defined in paragraph 7 of the NPPF, which are the economic, social and environmental roles.

4.19.3 Whilst the outline application granted planning permission on site considering the site acceptable for the principle of the development and access for sustainability reasons,
this reserved matters application considering the more detailed aspect of the development needs to be assessed as to whether the ‘presumption in favour of sustainable development’ applies.

4.19.4 Economically the proposal would provide employment for the construction phase of the development and would provide dwellings with new residents that will financially contribute to the local economy through existing local services and businesses, with a possible increase in local jobs as a result. The new dwellings would offer homes to residents who would contribute to the labour supply, some of whom would be likely to be local.

4.19.5 Socially the proposal would provide a supply of housing required to meet the needs of present and future generations. A new community would be created which will promote social cohesion. The proposal would provide an area of open space, recreation and a play area to benefit of future occupiers. The proposal would provide dwellings with adequate sized private rear gardens.

4.19.6 Environmentally this proposal represents a significant improvement upon the previous application in regard to a more spacious layout, more appropriate scale and design of buildings, a more appropriate housing density, and an acceptable level of parking provision. The proposal would include cycle storage for all flats and dwellings on site, This alongside the footpaths through the site and key strategic pedestrian / cycleway links identified in the SMF would be provided and would link with the wider South Maldon Garden Suburb as it evolves. Environmentally and socially the layout of this development, subject to noise mitigation measures being installed to protect future residents from any road traffic noise, can satisfy the environmental and social roles of the NPPF.

4.19.7 Taking these considerations into account it is considered that the NPPF’s ‘presumption in favour of sustainable development’ can apply to this development.

5. **ANY RELEVANT SITE HISTORY**

- **OUT/MAL/13/00763** - Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access. Refused on 27 November 2014 but allowed on appeal on 19 December 2014.
- **OUT/MAL/14/00698** - Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access. Duplicate submission of ref OUT/MAL/13/00763. Application Withdrawn 13 March 2015
- **RES/MAL/15/00071** - Approval of Reserved Matters application relating to the approval of appearance, landscaping, layout and scale as required by condition 1 and 3 of Outline Planning Permission ref APP/X1545/A/14/2213988 (Outline planning permission for demolition of existing buildings and erection of up to 120 residential dwellings with associated vehicular access OUT/MAL/13/00763). This reserved matters application is for 117 dwellings. Currently subject to an Appeal against non-determination lodged on 13 July 2015. This application was reported to the extraordinary meeting of the Council on 3 September 2015 where it was
agreed that the reserved matters application would have been refused for the following reasons:

1. The proposed development as a result of its layout and site coverage, its unsympathetic design and appearance, the scale and bulk of the flatted development, the numerous parking courts and the limited on street landscaping would have an unacceptable impact on the character of the site and surrounding area contrary to the principles identified in the South Maldon Garden Suburb Strategic Masterplan Framework and policies S3, S4, D1 and H4 of the submitted Maldon District submission Local Development Plan, policy BE1 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework and Planning Practice Guidance.

2. The proposal, as a result of its unsympathetic design and poor layout, inadequate private and communal amenity space, insufficient landscaping, traffic noise and insufficient cycle parking provision for the flats would lead to the creation of a cramped form of development that would represent overdevelopment of the site and would be detrimental to the amenity of future occupiers of these dwellings. Furthermore, the proposed layout shows that the dwellings fronting onto the A414 and around the proposed roundabout junction would be subject to significant noise levels from road traffic noise which would be detrimental to the future occupiers of these dwellings. The proposal would be contrary to the principles set out in the South Maldon Garden Suburb Strategic Masterplan Framework and policies S3, S4, D1, D2 and H4 of the submitted Maldon District submission Local Development Plan, policies BE1 and CON5 of the Maldon District Replacement Local Plan, and the National Planning Policy Framework and Planning Practice Guidance.

The ongoing appeal will be determined through the Appeal Hearings Procedure and the appeal hearing will take place on 30 / 31 March 2016. An appeal statement has been sent to the Planning Inspector demonstrating the Council’s case.

6. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

6.1 **Representations received from Parish / Town Councils**

<table>
<thead>
<tr>
<th>Name of Parish / Town Council</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maldon Town Council</td>
<td>The Town Council recommends refusal of this application as the layout presents an overpowering appearance at the entrance to the town despite the proposed landscaping.</td>
<td>The assessment of the application considers the scale, design and layout of the development in relation to the site and the immediate surrounding area.</td>
</tr>
</tbody>
</table>
### 6.2 Statutory Consultees and Other Organisations *(summarised)*

<table>
<thead>
<tr>
<th>Name of Statutory Consultee / Other Organisation</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Essex County Highways</td>
<td>No objection subject to conditions requiring the details of the internal estate roads and vehicle parking has been approved.</td>
<td>The internal estate road condition is listed as condition 6 in section 7 of this report. Condition 7 of the Outline permission requires vehicle parking to be implemented prior to occupation.</td>
</tr>
<tr>
<td>Essex County Fire and Rescue Service</td>
<td>No objections as access for fire services is considered at the Building Regulations stage.</td>
<td>No comments to make</td>
</tr>
<tr>
<td>Essex Wildlife Trust</td>
<td>No response</td>
<td>No comments to make</td>
</tr>
<tr>
<td>Maldon Society</td>
<td>Request tall planting is increased on the site boundaries. This is essential for creating an attractive approach to the town and primary circulation around it. The proposed boundary landscaping is paltry, and in parts amounts to little more than turf. Given the importance of this site as a gateway to the town, the location of the three storey blocks nearest the main roads would give an unpleasant massive overbearing effect more appropriate for a commuter city like Chelmsford, and if some three storey buildings do have to be retained for density purposes, then they should be behind lower housing.</td>
<td>The landscaping scheme shows trees around the site. Section 4.5 of this report covers the Scale and Design of the development.</td>
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</tbody>
</table>

### 6.3 Internal Consultees *(summarised)*

<table>
<thead>
<tr>
<th>Name of Internal Consultee</th>
<th>Comment</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>The previous design and layout caused concerns over excessive exposure to road</td>
<td>Noise is detailed in section 4.16 of the report.</td>
</tr>
<tr>
<td>Name of Internal Consultee</td>
<td>Comment</td>
<td>Officer Response</td>
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<td>traffic noise. This latest application appears to have addressed the proposal. There remains issues where design and layout does not appear to have been considered but the remaining issues can be dealt via the noise assessment condition but the only way the condition can be met with closed windows and alternative means of ventilation.</td>
<td>The proximity of dwellings to the road and roundabout junctions, existing and proposed, would require mitigation measures to be installed in certain dwellings and flats but these can be achieved through condition 17 from the outline permission.</td>
</tr>
<tr>
<td>Housing</td>
<td>No reference to affordable housing in the information provided. Affordable homes should meet the size and standards required by the Homes and Communities Agency and should be: - One-bedroom two-person homes - Two-bedroom four-person homes - Three-bedroom five-person homes</td>
<td>An illustrative affordable housing plan has been provided and this has been seen by Housing. The affordable housing scheme will be dealt with separately to this application as required by the legal agreement.</td>
</tr>
<tr>
<td>Leisure Services</td>
<td>Concerns over: 1. Limited amount of tree planting in the parking court for Blocks A and B. 2. Proximity of built footprint to the Lime Brook. 3. Tree planting adjoining car parks 75-76 and needs protection. 4. Access points for buffer strip for maintenance. 5. Long term conservation of the boundary hedge adjoining back gardens. 6. Choice of fencing materials 7. Functionality of amenity space at the back of Block D</td>
<td>In response: 1. Four trees are shown within this area in addition to some hedging. This space is a communal amenity space requiring laid lawn for usability. 2. The pedestrian / cycle path is a strategic requirement of the SMF and would abut the area of vegetation along Brook. 3. New tree planting is proposed. 4. Gates are shown on the plans for access. 5. This can be secured through the</td>
</tr>
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</table>
6.4 Representations received from Interested Parties (summarised)

6.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- John & Janis Webb 4 Minster Way Maldon Essex

<table>
<thead>
<tr>
<th>Objection Comment</th>
<th>Officer Response</th>
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<tbody>
<tr>
<td>The development will dramatically affect the local wildlife and is already doing so even with initial works taking place around the roundabout</td>
<td>The ecology considerations were explored with the outline application at the appeal. The appeal was considered acceptable subject to conditions including an up to date ecology survey which will need to be undertaken prior to the commencement of development. The recent clearance works are put of highway works in the area which do not</td>
</tr>
<tr>
<td>Objection Comment</td>
<td>Officer Response</td>
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<tr>
<td>form part of this reserved matters application. The outline approval includes a legal agreement requiring a financial contribution to be provided as part of the works to the roundabout junction.</td>
<td></td>
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7. **PROPOSED CONDITIONS**

**Conditions:**

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.  
   **REASON:** To ensure that the development is carried out in accordance with the details as approved.

2. No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the materials and details as approved.  
   **REASON:** To ensure the external appearance of the development is appropriate for the South Maldon Garden Suburb in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

3. No development shall commence until details of the height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.  
   **REASON:** In order to safeguard the amenities of future occupiers of the dwellings and to ensure the external appearance of the development is appropriate for the South Maldon Garden Suburb in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

4. Notwithstanding the provisions of Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no hard surfacing of front gardens.  
   **REASON:** In the interests of visual amenity to ensure that the front gardens are retained as a feature of the South Maldon Garden Suburb and in accordance with policies S3 and D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

5. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate
buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

**REASON:** In the interests of the amenities of the occupiers of the dwellings on site to ensure that each plot has a usable private amenity space in accordance with policy D1 of the Maldon District Submission Local Development Plan, policy BE1 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

6 The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that roads. The carriageways and footways shall be constructed up to and including base course surfacing. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

**REASON:** To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with policy T2 of the Maldon District Submission Local Development Plan, policy T2 of the adopted Maldon District Replacement Local Plan and the NPPF and PPG.

**POSITIVE AND PROACTIVE STATEMENT**
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to approve this reserved matters application for layout, scale, appearance and landscaping in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.