



**REPORT of
CHIEF EXECUTIVE**

to
COUNCIL (EXTRAORDINARY)
29 JUNE 2017

Application Number	FUL/MAL/17/00396
Location	Land South Of Wycke Hill And Limebrook Way Maldon Essex
Proposal	Variation of condition 27 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.)
Applicant	CEG and landowners
Agent	Michael Carpenter - Code Development Planners Ltd
Target Decision Date	3 August 2017
Case Officer	Mark Woodger, Principal Planner – Major Applications (Strategic Sites) TEL: 01621 875351
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan Member Call In – Councillor M S Heard

1. RECOMMENDATION


APPROVE the variation to condition 27 of application OUT/MAL/14/01103 (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

Land South of Wycke Hill and Limebrook Way, Maldon
FUL/MAL/17/00396



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Committee 17/00396
	Date:	20/06/17
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 On the 01 December 2016 the Council approved the development of up to 1,000 dwellings, and areas for employment, primary school, formal open space, allotments playing fields, landscaping and associated details on one of the identified strategic sites for development on strategic site shown as site 2(a) within the Local Development Plan (LDP) and located south of Limebrook Way in Maldon. The planning permission was granted in outline and a Section 106 attached. Promoted by land agents the site is now being considered by a builder's consortium whose intent is to implement the development as approved in accordance with the Strategic Masterplan Framework and Design Code as endorsed by the Council. The site is to become a major part of the defined South Maldon Garden Suburb.
- 3.1.2 Part of this process involves going through due diligence and discussions have taken place to look at the conditions as attached to the permission. One of these conditioned the housing mix as proposed by the outline planning permission.
- 3.1.3 On application the applicants set out their proposed housing mix, would provide 30% of affordable dwellings, with 70% of the remainder being market housing. This application in no way seeks to change the agreed affordable housing provision, nor the percentage of dwelling types and tenure which will make up the affordable housing mix and all of which has been agreed with the Strategic Housing Manager. This application seeks to amend the market housing only.
- 3.1.4 What it does seek to do is to amend the mix of private market dwellings which is currently controlled by condition 27 on the approval notice for the application FUL/MAL/14/01103. This condition refers back to paragraph 5.3 of the Planning Statement as submitted by way of the original application, which states that *"later details will conform the final mix of dwellings, it is currently anticipated that the likely mix of market housing will be similar to that stated below:*

Beds	Type	Percentage (%)	Number
<i>1</i>	<i>Flats</i>	<i>15</i>	<i>105</i>
<i>2</i>	<i>Flats</i>	<i>7.5</i>	<i>52</i>
<i>2</i>	<i>Houses</i>	<i>7.5</i>	<i>52</i>
<i>3</i>	<i>Houses</i>	<i>40</i>	<i>280</i>
<i>4+</i>	<i>Houses</i>	<i>30</i>	<i>211</i>

- 3.1.5 This application seeks to amend this mix in the following way:

Beds	Type	%	Number
1	Flats	3.4	24
2	Houses, Bungalows, Flats	26.6	186
3	Houses	35	245
4+	Houses	35	245

- 3.1.6 The reason for this is set out later in the report. What has to be emphasized is that it will not amend the smaller units as these are defined as being with one and two bedrooms. What will change is the percentage of 1 and 2 bedroomed units within the overall figure of 30% to be built as market dwellings. What this will also do is retain the 70% of larger dwellings to be provided, but give this an equal split between three and four bedrooms and above.
- 3.1.7 This is an application submitted under section 73 of the Town and County Planning Act to change condition 27 and the housing mix as is set out above.
- 3.1.8 Members are asked to not that in agreeing to this S73 application there will be no need to subsequently amend the S106 as there is a clause in this securing updates with the grant of additional permissions.

3.2 Conclusion

- 3.2.1 This proposal has been considered at length with the Planning Policy Manager and the Strategic Housing Manager. This split as requested is considered wholly appropriate. The number of market dwellings at 2 bedrooms or less will remain, but the balance between 1 and 2 bedrooms will shift with the larger amount being 2 bedrooms. The split between 3 bedroomed and 4 plus bedrooms will be equal. The mix as originally set out was always considered a “likely” mix, this is the final calculated mix, and no objection is raised.

4. MAIN RELEVANT POLICIES

- 4.1 Members’ attention is drawn to the list of background papers attached to the agenda. This application has already been considered in detail and approved at outline by the Council. It is therefore appropriate to refer here solely to the policies as far as they refer to the proposal as submitted, that being the proposed private housing mix only.
- 4.2 National Planning Policy Framework 2012 including paragraphs:**
- 6 - Delivering a Wide Choice of High Quality Homes.
- 4.3 Maldon District Replacement Local Plan 2005 – Saved Policies:**
- There are no specific policies which refer to the detail as proposed by this application.
- 4.4 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**
- 4.4.1 The Maldon District Local Development Plan (LDP) was submitted to the Secretary of State for Examination-in-Public on 25 April 2014. At the initial Inquiry into the Maldon District Local Development Plan (the Plan) it was considered unsound as the then Inspector considered the then policy as it applied to Gypsy and Traveler provision was insufficient.
- 4.4.2 The LDP was then called in for consideration by the Secretary of State, with him communicating to the Council that the Plan in general was not unsound, scheduling a re-convened Hearing into the Plan in January 2017. The Council augmented its

previous submitted appeal documents as requested by the Inspector and provided evidence on matters not covered by the original hearing, these being employment, retail, tourism, housing growth, provision of travellers, transport, the natural environment, design and climate change.

- 4.4.3 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28 April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his report. His report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.
- 4.4.4 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focused consultation and no new matters previously not examined, or matters already examined, will be considered by the Inspector.
- 4.4.5 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.
- 4.4.6 The following specific policies are considered specific to this detailed application:
- H2 Housing Mix

4.5 Relevant Planning Guidance / Documents:

- The Councils Strategic Housing Market Assessment (SHMA) 2014

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The sole issue to be considered by this submission is the proposed change to the private housing mix as proposed on this strategic site. The precise details of this mix are as set out in Section 3 of this report.
- 5.1.2 The previously approved mix was an envisaged “likely” mix where it referred to market housing and therefore likely to change. This has come forward as developers look at the site and the implications of all the previously set conditions.
- 5.1.3 In support of this submission the applicants state that the change as proposed bring the site closer to the Council’s Strategic Housing Market Assessment (SHMA), and follows recent reviews of current housing market conditions. They re-affirm that affordable housing will not be affected whatsoever, this is purely a change to the open market housing.
- 5.1.4 The idea of increasing two bedroomed units at the expense of one bedroomed is to make the site less transient. In the applicants experience the provision of a higher number of two bedroomed houses over one bedroomed, particularly in flats, this

allows purchasers to see their home purchase as part of a family plan and ensure a more secure longer term economic output in Maldon as a district as people stay in one area or longer than they would in a one bedroomed property.

- 5.1.5 In addition the originally likely one bedroomed mix would give rise to an increase in buy to let investors and this in turn would further increase the short term transient nature of art of the site which would not be conducive to creating a settled community. Hence they see it is necessary to shift the one and two bedroomed market housing to a mix of more two bedroomed that originally likely. However with the full complement and mix of affordable dwellings a minimum of 276 one bedroomed units over the entire scheme would be provided.
- 5.1.6 It is concluded that the change as proposed does not contravene the Council's published SHMA. The SHMA indicates that District wide the need to smaller units is much greater for two bedroomed units, with the demand for one bedroomed properties only 1.8% and only 1.7% of people surveyed wanted a flat. Therefore the over provision of two bedroomed as opposed to one bedroomed is considered wholly appropriate.
- 5.1.7 Where it comes to the mix between three and more bedroomed dwellings this will benefit the strategic masterplan for the site and the design code in allowing a more extensive range of dwellings to be provided throughout the garden village site.
- 5.1.8 The NPPF tasks the Council to provide for a wide variety of homes, taking into account future market and demographic trends to provide s selection of deliverable and wide choice of homes for all sections of the community. It is considered on balance that the mix as proposed will achieve this to the betterment on the Garden Village.

6. **ANY RELEVANT SITE HISTORY**

- **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 01 December 2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends refusal of this application as it would prefer the housing mix to	This is covered in the officer report where it concludes that two bed units in this garden suburb

Name of Parish / Town Council	Comment	Officer Response
	remain at the approved percentages to ensure a mixed economy in relation to the purchase of the properties but has no objection to the bungalows	site would generate more economic benefits for the long term at this site.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Housing Services Manager	The Housing Service understands the fundamental aspects of financial viability, particularly in this case the needs to retain flexibility to ensure future delivery, local benchmark land values and the design of this particular site. The proposed variation is therefore a fair and reasonable approach to balance these two issues of addressing the housing requirements of the District and financial viability.	Noted.
Planning Policy	Any response received will be reported to Committee.	

8. **PROPOSED REVISED CONDITION**

That planning permission be granted for this Section 73 Application and that condition 27, as attached to approved application FUL/MAL/14/01103, be amended to read:

27. **CONDITION**

The development shall be carried out in accordance with the private market housing mix as stated below:

Beds	Type	Percentage
1	Flats	3.4
2	Houses, Bungalows, Flats	26.6
3	Houses	35
4+	Houses	35

REASON To ensure that the housing mix deliveries a mix in accordance with Garden Suburb principles as detailed in the endorsed South Maldon Garden Suburb Strategic Masterplan Framework, policy H2 of the Maldon District Submission Local Development Plan and the NPPF and PPG.