

**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
21 MAY 2019**

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| <b>Application Number</b>                             | <b>FUL/MAL/19/00195</b>   |
| <b>Location</b>                                       | 1 Kings Road, Southminster, Essex, CM0 7EJ  |
| <b>Proposal</b>                                       | Redevelopment of the site to include the conversion of the existing building to provide 4 No. one bedroom flats and the erection of a two storey side/rear extension to provide 2 No. one-bedroom flats (all social rent), with associated off-street parking, amenity space, landscaping, external refuse and cycle store and external alteration. |
| <b>Applicant</b>                                      | Ms Lisa Shead - MOAT  |
| <b>Agent</b>  | Miss Maria Cannavina - Prime Building Consultants Ltd   |
| <b>Target Decision Date</b>                           | 07.05.2019 (EoT agreed: 24.05.2019)   |
| <b>Case Officer</b>                                   | Anna Tastsoglou   |
| <b>Parish</b>   | <b>SOUTHMINSTER</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In<br>The application has been called-in by Councillor A S Fluker on the grounds of public interest, size, scale, bulk, design and character and appearance of the area.  |

**1. RECOMMENDATION**

**APPROVE** subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 9.

**2. SITE MAP**

Please see overleaf.

**SE Committee**  
**19/00195/FUL**



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|  | Organisation: | Maldon District Council |
|  | Department:   | Department              |
|  | Comments:     | Not Set                 |
|  | Date:         | 08/05/2019              |
|  | MSA Number:   | 100018588               |

### **3. SUMMARY**

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

##### *Site description*

- 3.1.1 The site is located on the corner of the junction of High Street to the north and Kings Road to the east and it is occupied by a two storey Victorian style property used as a four-bedroom house, one one-bedroom flat and one two-bedroom flat. The building has a main shallow hipped roof with double storey front canted bay windows two-storey rearward projection.
- 3.1.2 The building sits 9m back from the highway, maintaining an open landscaped corner. On the south side of this section of the road there is a linear grassed area with mature trees.
- 3.1.3 The surrounding area is residential in character comprising predominantly of Victorian and Edwardian buildings. A number of listed buildings are also sited within the vicinity of the application site. The nearest to the site are The Bays at 7 Kings Road and 21 High Street, which are both Grade II listed buildings. To the south of High Street, the character is of dwellings sited within spacious plots and set back from the highway, while to the north, the properties are relatively smaller in size, contained within small plots and sited in close proximity to the highway. Kings Road is mainly made up of a mixture of detached and semi-detached bungalow and two-storey dwellings of fairly traditional style.

##### *Description of proposal*

- 3.1.4 Planning permission is sought to erect a two-storey side/rear extension and convert the existing building to form six one-bedroom flats, all social rent affordable housing, with associated off-street parking, amenity space, landscaping, external refuse and cycle store. Other alterations to the external elevations of the existing building include minor changes to the fenestration of the rear elevation.
- 3.1.5 The proposed two-storey, hipped-roof extension would be erected to the southwest of the existing building, projecting 12.9m beyond its rear elevation and 2.8m beyond the eastern elevation. Overall the extension would have a maximum width of 5.6m, being 5.3m high to the eaves, with a maximum height of 7.3m. The extension would be set lower from the roof of the host property. With regard to the external finishing materials the extension would be finished in grey slates with red hip and ridge tiles, red multi bricks and yellow brick quoins and soldier courses and with UPVC casement windows. The vehicle access and hardstanding would be formed by brick paviours, concrete paving and retained existing concrete at the front.
- 3.1.6 Internally the building would be converted to form six one-bedroom flats, two of which would occupy the proposed two-storey extension. Each flat would be accessed from

separate access points of the building. The size of the flats would vary between 54.3sqm to 81.5sqm.

- 3.1.7 In terms of vehicle access, the site would be accessed from both High Street, by utilising an existing access, and King Road, by widening the existing access to 3.6m. In terms of parking provision, one parking space would be provided per proposed flat and one additional visitor parking space. The parking spaces for flats 1 and 2 and the visitor parking space would be accessed via High Street, while the parking spaces for plots 4 to 6 would be accessed from King Road.
- 3.1.8 A cycle and bin store are proposed to be erected close to the southern boundary of the site. The overall depth of the store (including both the cycle and refuse store) would be 2.9m and the width would be 7.8m. The cycle store would be covered with a flat roof having a maximum height of 2.5m. The bin store would be bounded by fence with softwood boards of 2m height. Another bin enclosure is proposed to be formed along the northern boundary of the site adjacent to the vehicle access to serve plots 1 and 2.
- 3.1.9 Amenity space would be provided mainly to the southwest of the site, with further soft landscaping provided to the northwest of the site. A smaller amenity area would be formed at the entrance of unit 1. The total usable amenity space, excluding the area to the northwest of the site, would be approximately 170sqm.
- 3.1.10 It is noted that during the process of the application minor amendments to introduce additional fenestration to the rear elevation of the proposed extension and alterations to the configuration of the windows to the west elevation to retain a level of consistency to this elevation have been incorporated.

## **4. MAIN RELEVANT POLICIES**

### **4.1 Conclusion**

- 4.1.1 The proposed development is located within the settlement boundary of Southminster, where the principle of residential development is generally considered acceptable. The development would redevelop the site to form six one-bedroom flats, a total of three additional residential units from those currently occupying the site. All units are proposed to be affordable (social rent). The site is currently occupied by three affordable units providing a total of 12 persons accommodation. In order to provide a development of equivalent level of affordable accommodation on site, all six proposed flats should be affordable units. Given that the proposed one-bedroom units are in great need in the District, as discussed in section 6.2 of the report, and subject to the completion of a S106 agreement, the proposal would meet the objectives of the NPPF and the Council's need towards smaller affordable units. The development, following minor amendments, is considered to be of an acceptable design which would not materially harm the character of the area or the appearance of the streetscene. The development would not be harmful to the amenities of the neighbouring occupiers and it would make adequate provision for

off-street parking and cycle parking and amenity space for the future occupiers. Therefore, having assessed the development against all material planning consideration, it is found to be acceptable and in accordance with the aims of the development plan.

## **5. MAIN RELEVANT POLICIES**

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

### **5.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- H1 Affordable Housing
- H2 Housing Mix
- H3 Accommodation for 'Specialist' Needs
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD) (2017)

- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

## 6. MAIN CONSIDERATIONS

### 6.1 Principle of Development

6.1.1 The Maldon District Local Development Plan (MDLDP) has been produced in light of the original NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three objectives identified in the NPPF. These three objectives of sustainable development are also reiterated in the revised NPPF (paragraph 8).

6.1.2 Policy S1 of the Local Development Plan states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply, inter alia, the following key principles in policy and decision making:*

- 1) *Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;*
- 2) *Deliver a sustainable level of housing growth that will meet local needs and deliver a wide choice of high quality homes in the most sustainable locations*
- 3) *Promote the effective use of land and prioritise development on previously developed land and planned growth at the Garden Suburbs and Strategic Allocations;*
- 4) *Support growth within the environmental limits of the District;*
- 5) *Emphasise the importance of high quality design in all developments;*
- 6) *Create sustainable communities by retaining and delivering local services and facilities;*
- 8) *Ensure new development is either located away from high flood risk areas (Environment Agency defined Flood Zones 2 and 3) or is safe and flood resilient when it is not possible to avoid such areas;*
- 10) *Conserve and enhance the historic environment by identifying the importance of local heritage, and providing protection to heritage assets in accordance with their significance;*
- 12) *Maintain the rural character of the District without compromising the identity of its individual settlements;*
- 13) *Minimise the need to travel and where travel is necessary, prioritise sustainable modes of transport and improve access for all in the community”*

6.1.3 Along with policies S1 and S2, policy S8 of the approved LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the

countryside. The policy states that *“The Council will support sustainable developments within the defined settlement boundaries”*.

- 6.1.4 The site is located within Southminster settlement boundary and in light of the above policies, it is considered that the provision of residential accommodation within a residential location, where occupants would have access to adequate services and facilities, is acceptable in principle. It is noted that the applicant proposes to provide six one-bedroom affordable units, which will support and contribute towards the Council’s need for smaller (one and two -bedroom) affordable units. Given that there is no policy requirement for the provision of affordable housing for this size of development, which is no more than 10 units or 1,000sqm, the Council cannot require from the applicant to provide affordable housing on site and therefore, the development shall be assessed as a standards residential development. As stated above, the development of the site for residential development is considered acceptable in this location. The proposal would provide much needed smaller residential accommodation and therefore, it would contribute towards the Council’s need for this type of housing (one-bedroom units).
- 6.1.5 On the basis of the above, it is considered that the use of the site for residential purposes in this location would be acceptable in principle. Other material planning considerations, in relation to the design and impact of the development on the character of the area, the impact on the neighbouring occupiers and the highways issues are discussed below.

## **6.2 Housing Mix and Affordable Housing Provision**

- 6.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 60 of the NPPF where it requires local authorities *‘To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for’*. Paragraph 61 continues stating that *“Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”*.
- 6.2.2 Following the publication of the February 2019 Government results of the Housing Delivery Test (HDT) the Council has revised the October 2018 Five Year Housing Land Supply (5YHLS) statement to apply a 5% buffer for choice and competition. On the basis of the March 2019 5YHLS results the Council is able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years’ (6.34) worth of housing against the Council’s identified housing requirements.
- 6.2.3 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two-bedroom units to create a better housing offer and

address the increasing need for smaller properties due to demographic and household formation change.

- 6.2.4 Policy H2 of the Local Development Plan (LDP) contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two-bedroom units, with around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands.
- 6.2.5 As stated above the proposed development would provide 100% smaller (one-bedroom) units and therefore, it would fully accord and contribute towards the housing needs of the District.
- 6.2.6 As discussed above, the applicant proposes that all units would be social rent flats to replace one four-bedroom house and two flats (one one-bedroom flat and one two-bedroom flat), which are affordable rent properties. As a result, the site currently provides a total of seven bedrooms (12 persons) accommodation. To outweigh the loss of the current affordable rent units, all six proposed flats, which would provide accommodation for a total of 12 persons, should be provided as social rent flats to meet the equivalent level of accommodation. The provision of six social rent flats on site, as proposed, would be secured through a S106 agreement.
- 6.2.7 The Council's housing register identifies that at present the waiting list for one-bedroom properties is 218 applicants and only 20 one-bedroom units were advertised last year. On that basis, it is considered that the proposed development would significantly contribute towards one of the types of properties (one-bedroom units) that is the Council's greater need. The Housing Team has been consulted and fully supported the proposed development.
- 6.2.8 In light of the above, and subject to the completion of a Section 106 agreement to secure the proposed development would provide six affordable (social rent) units, the proposal is considered acceptable and in accordance with the objectives of the NPPF for mixed and balanced communities.

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

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

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

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

6.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) Height, size, scale, form, massing and proportion;*
- c) Landscape setting, townscape setting and skylines;*
- d) Layout, orientation, and density;*
- e) Historic environment particularly in relation to designated and non-designated heritage assets;*
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and*
- g) Energy and resource efficiency.*

6.3.4 Policy H4 states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) The location and the setting of the site;*
- 2) The existing character and density of the surrounding area;*
- 3) Accessibility to local services and facilities;*
- 4) The capacity of local infrastructure;*
- 5) Parking standards;*
- 6) Proximity to public transport; and*
- 7) The impacts upon the amenities of neighbouring properties.”*

6.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

6.3.6 The site is located within a residential area and it is currently occupied by a well presented and attractive Victorian building which is sited in a prominent location within Southminster. Although the building is not listed, it is considered that by reason of its current appearance, the historic setting of the surrounding area and the proximity of the

site to listed properties, any development should represent good design and be sympathetic to and harmonise with the streetscene.

- 6.3.7 The proposed development would involve the erection of a two-storey side and rear extension. The extension would be sited to the southwest of the existing building projecting rearwards of and to the side beyond the west elevation of the existing building. The proposed extension would be visible from the public highway, given that the site is a corner plot. However, it would be located a significant distance away from the highway (19.5m away from the eastern boundary and 23.6m away from the northern boundary) and therefore, it would not be readily visible from the streetscene and would be in a less prominent position in relation to the host property.
- 6.3.8 The proposed extension would have a hipped roof, with roof height that would be set lower than the main roof of the existing property, maintaining a level of subservience to the main building. Although a large extension in size and scale, its size is considered acceptable in comparison to the size and volume of the main property. Whilst the depth of the extension would be similar to the depth of the existing building, given that it would be sited away from the highway and it would be partially hidden from the existing rearward projection, its depth would not be readily perceived from the streetscene.
- 6.3.9 In terms of its design, the proposed extension would have a roof of similar design with the existing property. Although it is not desirable in visual terms that the eaves of the extension do not match those of the existing property, it is understood that the extension has been designed so that it appears subservient to the main building. Therefore, on balance and taking into consideration the position of the extension, it would be unlikely that the roof design would materially harm the visual amenity of the building or its overall appearance from the streetscene.
- 6.3.10 Following amendments as discussed in the ‘proposal’ section, the proposed development would be provided with sufficient fenestration, which would be matching the configuration of the existing windows on each elevation (sash style windows on the east and south elevations and casement windows on the west elevation). It is also considered that following the requested amendments to the west elevation the proposal would now appear neat, maintaining a level of consistency in terms of fenestration.
- 6.3.11 The minor changes to the position and design of the windows on the rear elevation of the existing building would not materially affect the character or appearance of the property. The proposed structure to the south of the application site to provide a cycle and refuse store would be of limited height and scale, finished in soft materials (timber) and it would be sited away from the highway. As such, it is not considered that it would result in an adverse impact on the appearance of the streetscene. The bin enclosure along the northern boundary would be largely hidden behind the existing wall and therefore, the development would not result in a visually obtrusive refuse store.
- 6.3.12 The proposed development, based on the drawings submitted, would result in a good level of soft landscaping to the north, east and south of the application site, which would

be sufficient to soften the appearance of the development. The existing tree at the front curtilage of the property would be retained and an additional six trees would be planted. Hedgerows and shrubs would be planted along the east and north boundaries and the rest of the area that would not be hard surfaced to provide parking and turning facilities would be grassed over. The choice of hard surfacing materials would be acceptable, and it would complement the character of the property. As a result, both the details of hard and soft landscaping are considered acceptable in design terms.

6.3.13 Therefore, in light of the above, it is considered that proposed development would be acceptable in design terms and it would not be harmful to the appearance of the existing building or the character of the wider area.

#### **6.4 Impact on Residential Amenity**

6.4.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

6.4.2 The application site is surrounded by two storey residential dwellings. The proposed development would result in increased levels of activity, by reason of the erection of additional flats. However, on balance, it is not considered that the proposed residential development would have a materially harmful impact on the residential amenity of the neighbours, in terms of noise and disturbance, given the nature of the use, which is compatible with the use of the existing residential area.

6.4.3 The proposed extension would maintain a minimum of 3.2m separation distance to the western boundary. Although the proposed extension would project beyond the rear elevation of the neighbouring dwelling to the west (no. 65 High Street) by 17.5m, it would maintain a reasonable separation distance (around 10m) from the adjacent property and its direct outdoor amenity area. Furthermore, a detached outbuilding is located to the southeast of the neighbouring property, which already causes an overshadowing impact on the adjacent property and also a visual barrier between the house and the application site. It is therefore considered that the proposed development would not have a detrimental impact on the amenity of the neighbouring occupiers, in terms of being overbearing or resulting in loss of light. All proposed first floor windows to the west elevation would be glazed in obscure glass to protect the neighbours' privacy. A high level (above 1.7m) roof light is proposed to be installed to the west roof slope, which would not result in a material increase in overlooking.

6.4.4 To the rear (south) the extension would be sited 3.2m away from the southern boundary and 6.7m to the neighbouring dwelling to the south. The neighbouring dwelling to the south (no. 3 Kings Road) has an existing outbuilding to the rear of the house and the proposed extension would not project beyond this outbuilding, which blocks the views towards the application site and thus, the proposed would not appear overbearing or result

in a sense of enclosure when viewed from the immediate outside area of the neighbouring dwelling. The development is located to the north of the dwelling at 3 King Road and thus, it would not result in loss of sunlight. There would be no outlook from the proposed first floor window to the south elevation of the extension, given that the internal staircase is located to the southwest and this section is open at ground and first floor. On that basis, the development would not result in overlooking.

- 6.4.5 Concerns have been raised in relation to the impact of the proposed cycle and bin store to the occupants of the property to the south. This structure would be located 3.7m away from the neighbouring dwelling to the south and is of very limited height (maximum of 2.5m). Therefore, although it is acknowledged that the structure would be located forward the neighbouring dwelling to the south, given its limited scale and height and its separation distance to the neighbouring dwelling, it is not expected to result in an overshadowing or overbearing impact.
- 6.4.6 The development by reason of its location and separation distance to all other neighbouring dwellings to the north and east, would not be materially harmful to the residential amenity of any other neighbouring occupiers.

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

- 6.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

### *Access*

- 6.5.2 Access to the site would be gained by widening the existing access onto Kings Road (3.6m width) and by utilising the existing vehicle access onto High Street. These accesses would be sufficient to allow a safe access and egress to the site. Furthermore, sufficient turning facilities would be provided within the site to allow vehicles to exit the site in a forward gear. The Highway Authority has been consulted and subject to conditions, no objection was raised in terms of highway safety, efficiency and accessibility of the site. The proposed accesses to the site are therefore considered acceptable.
- 6.5.3 No changes to the existing pedestrian accesses are proposed.

### *Parking provision*

- 6.5.4 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government

guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

6.5.5 The parking requirement for one-bedroom properties is one space per residential unit. Furthermore, for new flats with communal parking, an additional visitor parking space per four units is required. The proposed development would be served by a total of seven off-street parking spaces of which one would be for visitor parking. It is therefore considered that the development would be supported by sufficient and policy compliant off-street parking.

6.5.6 One cycle parking space is proposed to be provided per proposed flat, in a secure and covered store. Therefore, the development would be supported by policy compliant cycle parking to meet the needs of the future occupiers and also promote alternative to private vehicle modes of transport.

## **6.6 Private Amenity Space and Living Conditions of the Future Occupiers**

6.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as a supplementary guidance to support its policies in assessing applications for residential schemes. The guidance indicates that for flats a minimum 25sqm of amenity space should be provided. Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable.

6.6.2 As noted at the 'Proposal' section, the development would be served by approximately 170sqm of amenity space to the southeast of the application site. Further soft landscaping would be provided to the northwest of the site, which however, given its proximity to the public highway and exposure to public views has not been counted as private amenity space. Whilst the proposal is to provide communal amenity space for the future occupiers, there are flats that would benefit from direct access to the amenity area, such as units 1, 4, 5 and 6. Although the proposed communal amenity space would be located in close proximity to the proposed parking spaces, it is considered that, on balance, it would be sufficient to meet the outdoor requirements of the future occupiers of the flats.

6.6.3 All proposed flats would be served by windows which would provide adequate light, outlook and ventilation to all habitable rooms. A good level of accommodation would be provided per flat. Furthermore, in terms of the internal layout, consideration has been given to rooms that are usually noisier, such as kitchens, bathrooms and living areas, which are positioned away from walls against bedrooms, to protect the future occupiers living environment and amenities. On that basis, it is considered that the development would provide a good level of living environment to the future occupiers.

## **6.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS)**

6.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.

6.7.2 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

6.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.

6.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.

6.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line

with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 6.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

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

Is the proposal for 100 houses + (or equivalent)? No

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

- 6.7.7 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. Natural England does not need to be re-consulted on this Appropriate Assessment.
- 6.7.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently in consultation and it therefore constitutes an emerging document for the Council. Given the current preliminary stage of the document and low amount of development proposed (three additional residential units), in this instance, it is considered that it would be disproportionate and unreasonable to require the developer to mitigate the impact of the one additional dwelling on the protected habitats and thus, it would be unreasonable to refuse the application on the grounds that the proposal has not mitigated the impacts of the development. Notwithstanding the guidance of Natural England, it is considered that the likely impact of three additional dwellings in this location would not be harmful in

terms of additional residential activity to a degree that would justify the application being refused.

## **6.8 Other Material Considerations**

### *Archaeology*

- 6.8.1 The Historic Environment Officer was consulted and based on the comments submitted, the proposed development is sited on the edge of the historic settlement of Southminster and therefore, any development on the site should be preceded by a programme of archaeological investigation. A full archaeological condition would be imposed to secure that the development would not adversely impact on archaeological assets.

### *Waste Management*

- 6.8.2 Adequate refuse store would be provided for the proposed flats, which will be positioned in a convenient and easily accessible location for all flats. No objection is therefore raised in relation to refuse provision.

## **6.9 Pre-Commencement Conditions**

- 6.9.1 One pre-commencement condition is recommended and approval for the use of these conditions has been provided by the applicant's agent in correspondence received on 14 January 2019.
- 6.9.2 It is considered that the pre-commencement condition for the submission a Written Scheme of Archaeological Investigation is necessary on the grounds that it goes to the heart of the permission, given that it is not a minor detail and it should be complied with prior to the commencement of the development, as any archaeological findings would be affected by the first phase of any works at the site. As a result, it is considered reasonable that the abovementioned condition is dealt with prior to the commencement of the development. Furthermore, a condition requiring the submission of details of the Construction Method Statement is considered necessary to be submitted prior to the commencement of the development and any ground works, given that vehicles would be required to be parked on site during works below ground level. It is also reasonable that materials would have to be stored on site prior to the construction of the development. As a result, is considered reasonable that the abovementioned condition is dealt with prior to the commencement of the development.

## **7. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/17/00832** – Demolition of 1 No. 4 Bed House and 2 No. 1 Bed Flats (conjoined) construction of 5 No. 2 Bed Flats, 1 No. 1 Bed/2 Person and 1 No. 2 Bed wheelchair user flat with 7 No. off street car parking spaces and associated landscaping. Planning permission refused.

## 8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 8.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment   | Officer Response  |
|-------------------------------|---|---|
| Southminster Parish Council   | <p>Object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>• The entrance to the site is too close to the junction</li> <li>• Possibility of overlooking neighbours</li> <li>• Noise</li> <li>• Close proximity to neighbouring properties.</li> </ul> | All of the matters raised are discussed within the main body of the report. |

### 8.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment  | Officer Response  |
|--|--|---|
| Highways Authority                               | <p>The existing vehicular access onto High Street remains unchanged and will be utilised to access vehicular parking spaces, 1, 2 and the proposed visitor parking space.</p> <p>The Highway Authority does not object to the proposals as submitted, subject to conditions.</p> | Comments noted and conditions are imposed as suggested by the highway Authority.  |
| Archaeology                                      | The Essex Historic Environment Record (EHER) shows that the proposed development is sited on the edge of the historic settlement of Southminster (EHER 19416). Any development of the site should therefore  | Comments noted and a condition would be imposed to secure that the development would not adversely impact on potential archaeological assets. |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>                                   |
|---|---|---|
|   | be preceded by a programme of archaeological investigation  |   |
| Natural England   | It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission | Comment noted and addressed at section 6.7 of the report. |

### 8.3 Internal Consultees

| <b>Name of Internal Consultee</b> | <b>Comment</b>   | <b>Officer Response</b>   |
|-----------------------------------|--|---|
| Housing Team                      | The site will provide a 100% onsite affordable housing contribution and for this reason Strategic Housing Services fully supports the application which would provide much needed affordable housing that would meet the housing needs of the District. It has also been identified that the waiting list for one-bedroom units is 218 applicants and only 20one-bedroom flats have been delivered in the last year. | Comments noted and discussed in section 6.2 of the report.  |
| Environmental Health Team         | The layout of the flats could give rise to disturbance of the occupiers which will be very difficult to control using our primary legislation. I would strongly recommend a revised layout.  | It is noted that the internal layout of the proposed building has been amended to follow good practice in relation to the internal layout and position of rooms. On that basis, the concerns previously raised by the Environmental Health Team have been |

| Name of Internal Consultee | Comment   | Officer Response  |
|----------------------------|---|---|
|                            | Following re-consultation no objection is raised by the Environmental Health Team, subject to the imposition of a condition in relation to surface water details. | overcome.<br><br>The suggested surface water condition would be imposed as requested. |

## 8.4 Representations received from Interested Parties

8.4.1 5 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment   | Officer Response   |
|---|--|
| No adequate parking will be provided for visitors, resulting in additional on-street parking on Kings Road and highway safety issues. Consideration should be had in enforcing double yellow lines along King Road. | Comment noted and addressed in section 6.5.<br>The provision of double yellow lines is a matter controlled by the Highway Authority and not the Planning Authority.  |
| The neighbouring drives would be used by contractors during construction of the site.   | It is noted that the impact from contractors' vehicles would be temporary and not such harmful to warrant refusal of the application on those grounds. Any trespassing on a neighbouring property is outside the remit of the planning department. |
| Traffic congestion along Kings Road.  | It is considered that the provision of a total of additional three residential properties on site would be unlikely to result in a road congestion.  |
| Concerns are raised in relation to selection of tenants to occupy the site.   | These are personal and not planning matters and the Local Planning authority has no control of the future occupancy of any dwelling.   |
| The development would result in increased vehicle movements during construction.  | A construction method statement condition will be imposed to address construction related matters.   |
| The proposed flats would be out of keeping with the character of the area.  | Comments are noted and matters are assessed in section 6.3.  |
| The proposed bike store would affect the views from the neighbouring dwelling to the south and would harm the appearance of the neighbouring front garden.  | It is noted that loss of view is not a material planning consideration. The impact of the proposed cycle store on the neighbouring dwelling is assessed in   |

|  |   |
|--|---|
|  | section 6.4.  |
| Resulting loss of light and overbearing impact to the neighbouring property to the south from the proposed two storey extension. | These matters are assessed in section 6.4 of the report.  |
| Noise and smells generated by the additional off-street parking near the neighbouring property.                                  | It is noted that the proposal would result in four parking spaces being located close to the south part of the application site. This is a very limited number of parking spaces not dissimilar to other residential developments and also a 3.5m separation distance would be maintained to the southern boundary. It is therefore considered that any such impact would be minimal and not sufficient to warrant the refusal of the application on those grounds. |
| The additional tenants on site would increase noise levels.  | This matter is assessed in section 6.4 of the report.   |

8.4.2 **1** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

| <b>Supporting Comment</b>   | <b>Officer Response</b>   |
|---|---|
| These is a significant need for social housing.   | Comments noted and discussed in the main body of the report.      |
| The development would not have a harmful impact on the amenities of the neighbouring occupiers.         |   |
| The development would have ample off-street parking and it would not increase in highway safety issues. |   |
| The property would be run by an accountable organization.   | Comment noted, but this is not a material planning consideration. |

**9. HEADS OF TERMS OF ANY SECTION 106 AGREEMENT AND PROPOSED CONDITIONS**

**Heads of Terms of any Section 106 Agreement**

- Provide six one-bedroom affordable (social rent) units on site.

## Proposed Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings 014.1890-001 P3; 014.1890-002 P3; 014.1890-003 P3; 014.1890-004 P3; 014.1890-009 P3; 014.1890-010 P4; 014.1890-005 P7; 014.1890-070 P2; 014.1890-006 P7 and 014.1890-008 P8.  
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 The development shall be implemented in accordance with the details of external finishing materials included in the submitted application form and detailed in plan no. 014.1890.600 P1 and be retained as such in perpetuity.  
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved MDLDP and the guidance contained in the MDDG SPD.
- 4 The development shall be implemented in accordance with the boundary treatment details included in plan no. 014.1890.005 P7 and be retained as such in perpetuity.  
REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved MDLDP and the guidance contained in the MDDG SPD.
- 5 The first floor windows on the west elevation of the proposed two storey extension shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.  
REASON To protect the privacy and environment of people in neighbouring residential properties, in compliance with the NPPF (2019) and policies D1 and H4 of the approved LDP and the guidance contained in the MDDG SPD.
- 6 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on 014.1890.005 P7 and specifications attached to and forming part of this permission shall be fully implemented and be retained as such in perpetuity.  
REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the MDLDP and the guidance contained in the MDDG SPD.
- 7 No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction

Hours and days of construction operations.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted LDP.

8 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP (2017).

9 No development above ground level shall be occur until details of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

- REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the MDLDP (2017).
- 10 The vehicular access onto Kings Road shall be widened as shown on planning drawing 014.1890-070 P2. The access constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no wider than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and carriageway.
- REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the approved LDP.
- 11 Prior to the occupation of the development the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the LPA.
- REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved LDP.
- 12 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved LDP.
- 13 There shall be no discharge of surface water onto the Highway.
- REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the approved LDP.
- 14 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S1 and T2 of the approved LDP and the guidance contained in the NPPF.
- 15 The refuse and cycle stores hereby approved shall be provided prior to the first occupation of the development and be retained for such purposes in perpetuity thereafter.
- REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved LDP and the guidance contained in the MDDG Guide SPD.
- 16 No development shall take place until a Written Scheme of Investigation of archaeology has been submitted to and approved in writing by the local planning

authority. No development shall take place other than in accordance with the Written Scheme of Investigation.

REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved LDP.

### **INFORMATIVES**

#### 1. Refuse and Recycling

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed.

#### 2. Land Contamination

Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

#### 3. Construction

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

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

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

#### 4. Timing of submission of details

It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been started.