



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
7 OCTOBER 2019**

Application Number	FUL/MAL/19/00722
Location	1 Kings Road, Southminster, Essex, CM0 7EJ
Proposal	Redevelopment of the site to include the conversion of the existing building to provide 4No. one-bedroom flats and the erection of a two storey side/rear extension to provide 2No. one-bedroom flats (all social rent), with associated off-street parking, amenity space, landscaping, external refuse and cycle store and external alteration (resubmission of FUL/MAL/19/00195).
Applicant	Mr Russell Drury - MOAT
Agent	Miss Maria Cannavina - Prime Building Consultants Ltd
Target Decision Date	04.09.2019 (EoT agreed: 11.10.2019)
Case Officer	Anna Tastsoglou
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Previous Committee Decision This application was previously refused contrary to Officers' recommendation.

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 8.

2. SITE MAP

Please see overleaf.



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	Department:	Department
	Comments:	Not Set
	Date:	08/05/2019
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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 bungalows 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, including space for mobility scooter. Other alterations to the external elevations of the existing building include minor changes to the fenestration to 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.
- 3.1.6 Internally the building would be converted to accommodate 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 Kings Road, by widening the existing access to 3.6m. In terms of parking provision, one parking space would be provided per proposed flat, one of which would be a disabled parking bay and one additional visitor parking space, which will also have access to an electric charging point.

- 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 7.5m. The maximum height on the cycle store would be 2.5m. 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 Private amenity space would be provided to the southwest of the site, with a further semi-private front garden to the northwest of the site. The area to the southwest would measure 140sqm, while the front garden is 120sqm in size.
- 3.1.10 With regard to the external finishing materials the extension would be finished in grey slates with red hip and ridge tiles, red/orange multi bricks and yellow brick quoins and soldier courses over UPVC casement windows. Rainwater goods would be black UPVC and the fascias, soffits and eaves would be white UPVC. The vehicle access and hardstanding would be formed by brick paviours, concrete paving and retained existing concrete at the front.
- 3.1.11 It is noted that during the process of the application minor amendments to introduce additional fenestration to the front elevation and yellow brick quoins to the corner of the buildings have been incorporated. The arrangement of the amenity space has also been altered to provide an open usable communal area for all future occupiers, which will also be secured and away from the parking areas. This alternative garden arrangement has resulted in minor alterations to the positioning of the windows of the residential unit 5 at ground floor to avoid overlooking from the communal area.
- 3.1.12 It is noted that the current proposal forms a resubmission following the refusal of a similar application reference FUL/MAL/19/00195 proposing the erection of a two-storey side/rear extension and the conversion of the building to six one-bedroom affordable units. This application was refused for the following reasons:
- *The application site is a prominent corner site and such development should be designed to define the corner space and contribute to the character through distinctive design. The proposed development, by reason of its design, would not meet these requirements. The development would therefore be unacceptable and contrary to the National Planning Policy Framework (2019), policies S1, D1 and H4 of the Maldon District Local Development Plan (2017) and the guidance contained in Section C15 (Corner Buildings) of the Maldon District Design Guide SPD (2017).*
 - *The proposed development, by reason of the lack of off-street visitor and disabled car parking provision, lack of mobility scooter storage area and charging points for electric vehicles would result in an unacceptable form of development that would have an impact on the free flow of traffic and highway safety contrary to the National Planning Policy Framework (2019), policies D1, H4 and T2 of the Maldon District Local Development Plan (2017) and the guidance contained in the Vehicle Parking Standards Supplementary Planning Document (2018).*
- 3.1.13 The current proposal has been revised to incorporate mainly the following amendments:

- One of the proposed parking spaces would be designated as disabled bay.
- An electric vehicle charging point is proposed.
- The depth of the proposed cycle and bin storey has been reduced by 300mm and consequently it will be located a limited distance further away from the highway.
- The height of the fence bounding the bin store has been reduced to 1.1m, thereby 900mm lower from the enclosure previously proposed.
- Provision of space for a mobility scooter has been made within the proposed cycle store.
- Windows at first and ground floor has been incorporated to the front elevation of the proposed extension, that reflects the design of the existing fenestration of the property.
- Yellow brick quoins have been incorporated to the edges of the proposed extension to continue through the design of the existing building.

3.2 Conclusion

- 3.2.1 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 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 amendments from the previously refused application, is considered to be of an acceptable design that protects the character of the corner building and therefore, this considers overcoming the first reason for refusal. The development would not be harmful to the amenities of the neighbouring occupiers and following amendments it would make adequate provision for off-street parking, including the necessary provision of disabled parking and a charging point for electric vehicles and cycle parking, including a secure space for a mobility scooter. The amenity space is considered being adequate to meet the needs of the future occupiers. Therefore, having assessed the development against all material planning consideration, taking into account the previous reasons for refusal, it is found that the development, following amendments, would be acceptable and in accordance with the aims of the development plan.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 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

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- 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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- Essex Design Guide (1997)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 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).

5.1.2 Policy S1 of the Local Development Plan (LDP) 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”*

5.1.3 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”*.

5.1.4 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. 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).

5.1.5 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.

5.2 Housing Mix and Affordable Housing Provision

- 5.2.1 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”*.
- 5.2.2 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.
- 5.2.3 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.
- 5.2.4 Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the 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.
- 5.2.5 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.
- 5.2.6 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 have to be secured through a S106 agreement.
- 5.2.7 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 a type of housing (one-bedroom units) that is the

Council's greater need. The Housing Team has been consulted and fully supported the proposed development.

- 5.2.8 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.

5.3 Design and Impact on the Character of the Area

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

- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

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

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

- 5.3.4 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.”*

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

5.3.6 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. The site is a corner plot and in accordance with the previous reason for refusal, any new development should be designed to define the corner plot and contribute to the character through distinctive design

5.3.7 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, due to its position, a significant distance away from the highway (19.5m away from the eastern boundary and 23.6m away from the northern boundary), it would maintain limited visibility from public vantage points and would be in a less prominent position in relation to the host property.

5.3.8 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 Kings Road.

5.3.9 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.

5.3.10 Following amendments as discussed in the ‘proposal’ section, the proposed development would introduce additional fenestration to the elevation fronting High Street, which would be of design that reflects that of the windows on the front elevation of the existing building, but smaller in size to correspond to a subservient extension. Additional features have also been introduced, namely yellow brick quoins on the corners of the extensions. This has been introduced to continue through the design and style of the existing property, given that yellow quoins are a feature of the

host property. It is therefore considered that the amendments incorporated is an attempt to improve the appearance of the proposed extension and make it contribute to the character of the existing corner property.

- 5.3.11 It should be noted that Section C15 (Corner buildings) of the MDDG states that corner sites are visually prominent and that new buildings should be designed to define the corner space of a block and ensure the continuity of the street/space and building frontage. This section of the MDDG is relevant to new buildings rather than extensions to existing building and therefore, it is not directly relevant to this proposal. Nevertheless, consideration has been given to the appearance, design and scale of the proposed extension and its relationship with the existing corner building, which as discussed above, is considered being acceptable in design terms.
- 5.3.12 With regard to the bin and cycle store, it is considered that due to the significant reduction of the height of the bin store enclosure and marginal set back of the structure from the highway, the visual impact of this element of the development has been reduced. It is therefore considered that the amendments incorporated are sufficient to avoid visually obtrusive appearance that would have a detrimental impact on the streetscene.
- 5.3.13 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.
- 5.3.14 Therefore, in light of the above, it is considered that the proposed development would be acceptable in design terms and it would not be harmful to the appearance of the existing corner building or the character of the wider area. As such, it is considered that the design of the development, as amended, can overcome the previous reason for refusal.

5.4 Impact on Residential Amenity

- 5.4.1 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.
- 5.4.2 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.

- 5.4.3 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.
- 5.4.4 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 development would not appear overbearing or result in sense of enclose when viewed from the immediate outdoor amenity area of the neighbouring dwelling. The development is located to the north of the dwelling at 3 Kings Road and thus, it would not result in loss of sun light. 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.
- 5.4.5 Concerns have previously 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 the height of the bin enclosure has been significantly reduced. As such, only the cycle store will be of a maximum of 2.5m, which is still considered being of limited height. Therefore, following amendments the part of the structure that would be higher than the fence and positioned forward of the neighbouring dwelling to the south, would be the cycle storey, which will project no more than 3m beyond the front elevation of the adjacent dwelling. Given the limited scale and height of this structure and its separation distance to the neighbouring dwelling, it is not expected to result in an overshadowing or overbearing impact.
- 5.4.6 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.
- 5.4.7 It is therefore considered that the development would not have a detrimental impact on the amenity of the residential neighbouring occupiers.

5.5 Access, Parking and Highway Safety

- 5.5.1 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

- 5.5.2 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.
- 5.5.3 No changes to the existing pedestrian accesses are proposed.

Parking provision

- 5.5.4 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.
- 5.5.5 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. The visitor parking would also provide access to a charging point for electric vehicles, in accordance with paragraph 155 of the Vehicle Parking Standards, which require the provision of one charging point for every 20 spaces, when residential parking is provided in a communal form.

- 5.5.6 In accordance with table 14 of the Vehicle Parking Standards SPD advises that for new flats incorporating communal parking which is not designated to individual housing units would require a minimum of 1 disabled parking bay near the entrance to the building. Consideration has been given to this requirement, at this amended proposal and one space has been designated for disabled parking only. This space is located in close proximity to the entrance of one of the flats and therefore, no objection is raised in terms of disabled parking provision.
- 5.5.7 The proposed development makes provision for a safe and secured mobility scooter space. Although such provision is required for residential developments provided for an older population under table 15 of the Vehicle Parking Standards, it is considered a positive element of the development that consideration has been given to the provision of a space for a mobility scooter space.
- 5.5.8 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.
- 5.5.9 It is therefore considered that the revised development would be supported by sufficient and policy compliant off-street vehicle (including a disabled and electric vehicles), cycle and mobility scooter parking provision.

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 With regard to the size of amenity spaces, the Council has adopted the MDDG as 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.
- 5.6.2 The development would be served by a 140sqm of private amenity space to the southeast of the application site. An additional semi-private front garden of 120sqm would be retained to the northwest of the site. The proposed amenity space has been separated from the vehicle parking spaces and it is considered providing a good level of usable outdoor amenity space for the future occupiers. The front garden is already used as amenity space and the provision of protecting hedging around it to separate it from the parking areas, is considered that would encourage the future occupiers to use this area as semi-private outdoor amenity. On that basis, it is considered that adequate provision of outdoor amenity space would be provided for the future occupiers of the proposed flats.
- 5.6.3 In relation to unit 5 that is going to be located near the communal amenity space, it is noted the windows in the west elevation adjacent to the communal garden would be secondary to the habitable rooms and would be glazed in obscure glass to protect privacy of the future occupiers.
- 5.6.4 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.

5.6.5 On the basis of the above, it is considered that the development would provide a good level of living environment to the future occupiers.

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

5.7.1 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 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.

5.7.2 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 site 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.

5.7.3 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.

5.7.4 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.

5.7.5 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.

- 5.7.6 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

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.

- 5.7.7 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.

- 5.7.8 It is noted that the Coastal Recreational Avoidance and Mitigation Strategy is currently on 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.

5.8 Other Material Considerations

Archaeology

- 5.8.1 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. Together with the current submission, the

applicant has provided an Archaeological Project Design document (dated May 2019). The Historic Environment Officer advised that subject to the development being implemented in accordance with the project design details included within the submitted document, the development, any archaeological assets can be protected.

Waste Management

5.8.2 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.

5.9 Pre-Commencement Conditions

5.9.1 Two pre-commencement conditions are recommended and approval for the use of these conditions has been provided by the applicant's agent in correspondence received on 24.09.2019

5.9.2 It is considered that the pre-commencement condition for the implementation of the development in accordance with the submitted programme of archaeological work 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, it is considered reasonable that the abovementioned condition is dealt with prior to the commencement of the development.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/00832** – Demolition of 1No. 4 Bed House and 2No. 1 Bed Flats (conjoined) construction of 5No. 2 Bed Flats, 1No. 1 Bed/2 Person and 1No. 2 Bed wheelchair user flat with 7No. off street car parking spaces and associated landscaping. Planning permission refused.
- **FUL/MAL/19/00195** - Redevelopment of the site to include the conversion of the existing building to provide 4No. one bedroom flats and the erection of a two storey side/rear extension to provide 2No. one-bedroom flats (all social rent), with associated off-street parking, amenity space, landscaping, external refuse and cycle store and external alteration. Planning permission refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
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Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Support the application. It is suggested that all construction vehicles park within the site and working hours are between 8am and 6pm Monday to Friday and 8am until 1pm on Saturdays	Matters in relation to parking of construction vehicles are to be dealt with by condition in relation to construction method statement. An informative would be added in relation to working hours.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	The Highway Authority does not object to the proposals as submitted, subject to conditions.	Noted and suggested conditions are imposed.
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 be preceded by a programme of archaeological investigation in accordance with the submitted Archaeological Project Design.	Comments noted and a condition would be imposed to secure that the development would not adversely impact on potential archaeological assets.
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.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
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 previously highlighted that the waiting list for one-bedroom units is 218 applicants and only 20 one-bedroom flats have been delivered in the last year.	Comments noted and discussed in section 6.2 of the report.
Environmental Health Team	No objection is raised, subject to the imposition of a condition in relation to surface water details.	Noted and condition is imposed.

7.4 Representations received from Interested Parties

7.4.1 **Four** 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
It is confirmed that the previous reasons of objection remain unaltered and will only be removed if yellow lines will be enforced along High Street and Kings Road.	It is noted that the Local Planning Authority has no control over enforcing double yellow lines.
The revised submission addresses the objections raised at the South Eastern Area Planning Committee. However, the concerns previously raised in relation to on-street parking and highway safety as a result of the proposed development remain. So, the objection to the development arises only due to the failure of the Highways Department to provide realistic parking restrictions at this crucial section of Kings Road	Matters discussed in section 6.5 of the report. Also as noted above the Local Planning Authority has no control over enforcing double yellow lines.
Reference is made to an application (18/00960/OUT) at land adjacent to 2	It should be noted that for this application, unlike the current

Objection Comment	Officer Response
Kings Road, Southminster that was dismissed on appeal and in particular in relation to highway safety.	application, an objection was raised by the Highway Authority, due to the lack of suitable visibility from the access point and resultant unacceptable degree of hazard to road users. The same point was reiterated by the Inspector, who dismissed the appeal on the basis of the significant harm to highway safety. This is therefore considered being a completely different case to the current proposal, which will utilise existing vehicle access points and no objection has been raised by the Highway Authority.
No adequate parking.	Comment noted and addressed in section 6.5.
Traffic and noise generated during construction.	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. Working hours are enforced by the Environmental Health Team.
Traffic congestion along Kings Road. There would be problems with the access of emergency vehicles.	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. No objection has been raised by the Highway Authority.
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 bike store would affect the views from the neighbouring dwelling.	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.	These matters are assessed in section 6.4 of the report.

8. 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 P5; 014.1890-010 P7; 014.1890-005 P12; 014.1890-070 P7; 014.1890-006 P10; 014.1890-018 P1 and 014.1890-008 P11.
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 Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. The development shall be implemented in accordance with the boundary treatment details included in plan no. 014.1890.005 P12 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 Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide 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 National Planning Policy Framework (2019) and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide 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 P12 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 Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide 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 Local Plan, and policies D1 and T2 of the submitted Local Development 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 Plan.

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 Maldon Local Development Plan (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 Maldon Local Development Plan (2017).

10. The vehicular access onto Kings Road shall be widened as shown on planning drawing 014.1890-005 P12. 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 Local Development Plan.
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 Local Planning Authority.
- 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 Local Development Plan.
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 Local Development Plan.
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 Local Development Plan.
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 Local Development Plan and the guidance contained in the National Planning Policy Framework.
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 Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
16. No development shall take place until the programme of archaeological work has been implemented in accordance with the details included in the submitted Archaeological Project Design document (dated May 2019).
- REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan.

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 undertaken.