



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
23 JUNE 2021**

Application Number	20/01344/FUL
Location	The Dengie Project Trust Knightswood Centre Steeple Road Southminster
Proposal	Conversion of 2No. existing buildings (previous use class C2) into 11 flats and 2 maisonettes and the construction of 3 new bungalows to rear.
Applicant	MSN Ventures Limited
Agent	Blaine McMahon - DAP Architecture
Target Decision Date	01.06.2021
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major Application

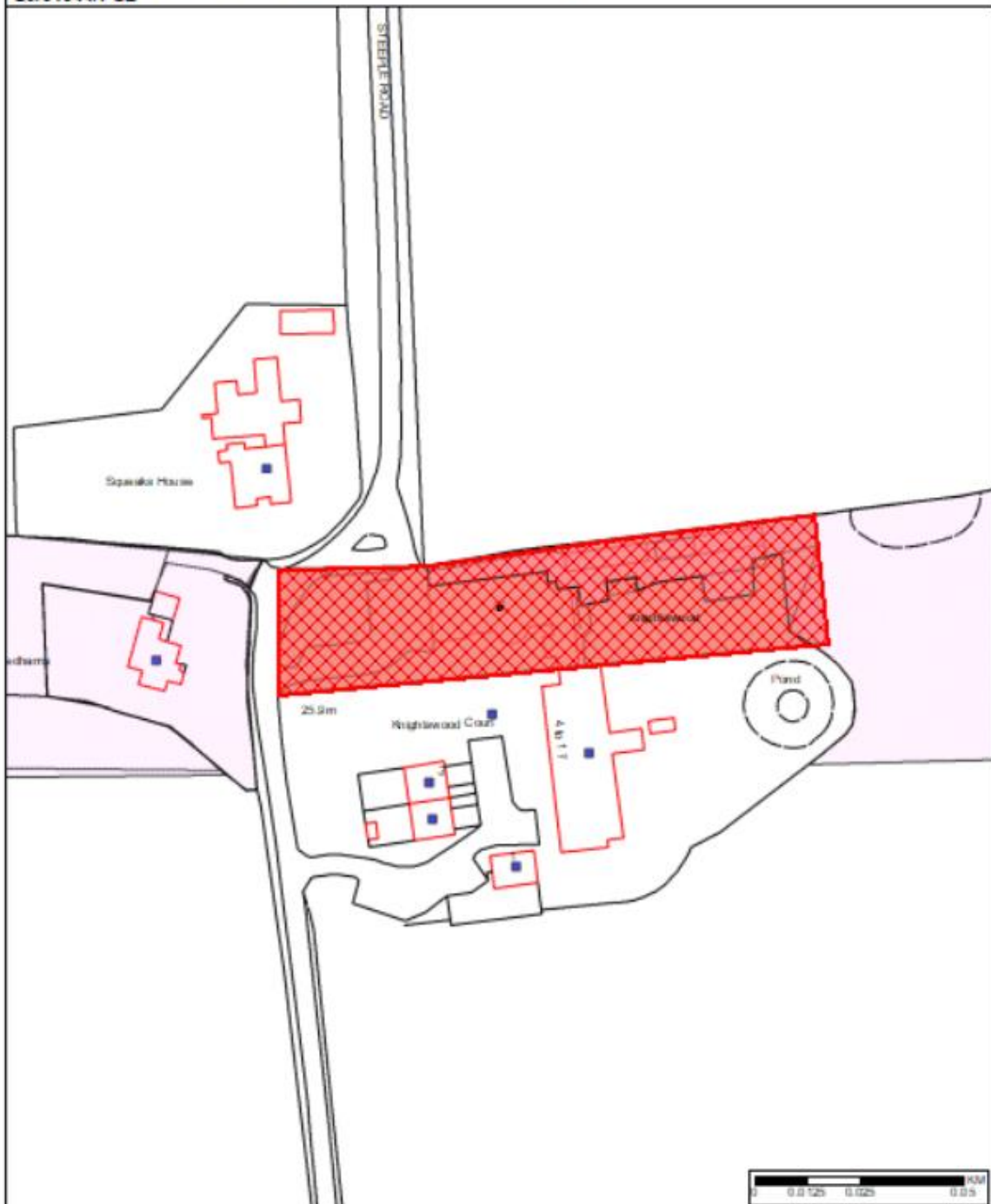
1. RECOMMENDATION


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 below.

Knightswood Centre Steeple Road Southminster
20/01344/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Area Committee
	Date:	01/03/2021
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site extends to approximately 0.36ha and described as containing two large buildings (previously used as part of the adjacent care home) towards the front of the site, with two timber boarded buildings to the rear formerly used as workshops and a greenhouse. The two main buildings are of traditional architectural design in need of some renovation and repair, built with red brick and red clay tiled roofs. The buildings to the rear are in a poor condition as is the greenhouse on site. There are green spaces to the front and rear with planting and trees, although these areas are now overgrown.
- 3.1.2 The site is located outside and around 320m to the north of the development boundary for Southminster to the eastern side of Steeple Road (B1018). To the north and east is open countryside. To the west, on the other side of Steeple Road, is Squeaks care home (a two-storey building). The site used to form part of the care home located immediately to the south of the site and the existing buildings are currently still physically linked. There are currently two vehicular accesses to the site from Steeple Road forming an 'in-out' drive.
- 3.1.3 The site is described as being currently vacant but having last been used as a day care centre for the elderly (Class C2) and that the use ceased in July 2017. It is stated that the facility was relocated to Asheldham.
- 3.1.4 It is understood that the site formed part of the Knightswood Centre, a charity run day centre, and was also used as the Bourn Tree Field Nursery (a plant nursery operated by adults with special needs) which employed five full-time members of staff. It is stated that there are 11 existing parking spaces plus ad hoc parking for 9 additional vehicles.
- 3.1.5 Planning permission is sought for the conversion of the two main existing buildings into 11 flats and 2 'maisonettes' along with the construction of 3 new bungalows to rear. A number of outbuildings to the eastern side of the site would be removed which have a footprint of 27m x 5m and are up to 4.9m in height (maximum dimensions). The existing greenhouse, also to be demolished, has a footprint of approximately 7m x 3.3m.
- 3.1.6 The change of use relates to 1145.8sq.m. of existing floorspace – the total residential floorspace proposed (including the new floorspace of 161.8sq.m.) would be 1307.6sq.m.
- 3.1.7 The existing link (measuring around 3.5m in width) with the adjoining buildings/site to the south would be removed. The larger of the two buildings to be retained and converted would accommodate the following:
- Ground floor – 2no. one-bedroom flats (approx. 47.5sq.m. and 58.7sq.m.) and 3no. two- bedroom flats (approx. 65sq.m., 71sq.m. and 75sq.m.).
 - First floor – 4no. one-bedroom flats (approx. 46sq.m., 59sq.m., 57sq.m. and 49.7sq.m.).
 - First/second floor – 2no. one-bedroom flats (approx. 53.4sq.m. and 66.6sq.m.).
- 3.1.8 Alterations to the existing fenestration of the building are proposed as part of its conversion along with the removal of the existing external staircases, the addition of

a balcony to the front/southern elevation of the building and the replacement of an existing single storey, flat roofed element on the northern elevation of the building with a slightly larger addition (with a footprint of around 2.5m x 2.8m) which would have a lean-to roof. Black weatherboarding would be added to parts of the existing building. However, such changes would be minor in terms of their number and extent. The internal layout of the building would also be reconfigured.

3.1.9 In terms of external amenity space, one of the two-bedroom flats would have an external terrace of around 11.5sq.m. (ground floor) and one of the one-bedroom flats would have a balcony measuring 13sq.m. (first floor). There would also be a communal area of external amenity space extending to around 290sq.m. adjacent to site frontage and parking area.

3.1.10 The smaller of the two buildings to be converted (with a footprint measuring approximately 20m x 4m) would accommodate two 2no. bedroom, two-storey dwellings referred to by the applicant as 'maisonettes' each with around 80sq.m. of floorspace and amenity space extending to around 50sq.m. each. Alterations to the existing fenestration of the building are proposed as part of its conversion which would include additional windows at first floor level and the removal of an external staircase. The internal layout of the building would also be reconfigured.

3.1.11 The pair of semi-detached three-bedroom bungalows proposed to the rear of the site would measure 17m x 15.1m and a maximum of 4.4m in height with a mix of mono-pitched and flat roofed elements. The detached three-bedroom bungalow would measure 17m x 8.7m and a maximum height of 4.4m with a mix of mono-pitched and flat roofed elements. Each of the three bungalows would be provided with more than 100sq.m. of private amenity space. The bungalows would be on slightly lower ground than the site's frontage. These new buildings would be finished in a mixture of brick and timber for the walls and clay roof tiles for the mono-pitched roofs.

3.1.12 The overall accommodation schedule would be as follows:

- 8no one bedroom/2-person apartments (two in the form of duplex units)
- 2no two bedroom/3-person apartments
- 1no two bedroom/4-person apartment
- 2no two bedroom/4-person 'maisonettes'
- 3no three bedroom/6-person bungalows

3.1.13 It is stated that the density of the development would be 47dph.

3.1.14 The existing vehicular access from Steeple Road located in the south-western corner of the site would be closed and the existing access located along the northern boundary of the site retained to serve the development. A size 3 turning head would be provided within the site. A total of 28no. car parking spaces are proposed as follows:

- 2no. allocated spaces each for Plots 1, 2, 4, 12, 13, 14, 15 and 16
- 1no. allocated space each for Plots 3, 5, 6, 7, 8, 9, 10 and 11
- 3no. unallocated spaces at the western end of the site, along the southern boundary and a visitor space in a central location.

3.1.15 Five vehicle charging points are proposed for each of Plots 12 - 16 i.e. the 'maisonettes' and the bungalows, and one is proposed within a visitor space at western end of site.

- 3.1.16 A new building for cycle storage (for 21 bicycles) is proposed which would measure 13m x 2.3m and 3.6m in height with a ridged roof and which would be finished using weatherboarding above a brick plinth for the walls and a tiled roof. A second new building for a refuse store is also proposed, adjacent to the cycle store, which would measure 8.2m x 1.8m and 3.4m in height with a ridged roof and which would be finished to match the cycle store. These buildings would be located side-by-side adjacent to the northern boundary of the site to the north of the main existing building to be converted. Provision of cycle storage for the three bungalows would be made within a shed for each property.
- 3.1.17 In addition to those materials referred to above, the use of uPVC double glazed windows is proposed (the existing windows are white painted, timber and single glazed).
- 3.1.18 External lighting is proposed in the form of bollards along the edges of the roadway, footways and parking areas proposed.
- 3.1.19 The application is accompanied by the following supporting documents:
- Planning Statement
 - Arboricultural Impact Assessment Report (November 2020)
 - Financial Viability Appraisal (December 2020)
 - Design and Access Statement (November 2020)
 - Accommodation Schedule
 - Transport Statement (December 2020)
 - Road Safety Audit (April 2021)
 - Flood Risk and Surface Water Management (April 2021)
 - Preliminary Ecological Assessment, Tree climbing bat roosting feature inspection, Analysis of Environmental DNA in Pond Water for the Detection of Great Crested Newts and EDNA Great Crested Newt Presence or absence survey; Reptile presence or absence survey (June 2021)
 - Street scenes
 - Draft Heads of Terms

3.2 Conclusion

- 3.2.1 The development has been assessed as being acceptable in principle, overall, taking into account the benefits of the proposal which would outweigh the limited harm the development would cause in relation to accessibility. In particular, the provision of 16 residential units a limited distance from the settlement of Southminster would weigh significantly in favour of the development and there would also be economic benefits generated.
- 3.2.2 The development is not anticipated to cause material harm to the character or appearance of the area, the amenity of the occupiers of neighbouring properties or nature conservation. The development has also been found to be satisfactory in terms of the quality of life for the occupiers of the proposed residential units. No objections are raised in relation to flood risk and drainage. Provision for adequate vehicular access and levels of parking would be made.
- 3.2.3 The applicant has agreed to enter into a Section 106 Agreement to address matters arising in relation to off-site medical provision, provision of education and off-site nature conservation impacts, if required.

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
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H1 Affordable Housing
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards (VPS) SPD
- Maldon District Design Guide (MDDG) SPD

4.4 Necessary Associated Infrastructure Improvements Required and/or Affordable Housing

4.4.1 The applicant's agent has submitted a draft list of Heads of Terms, as follows:

- Financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- Financial contribution towards education provision if required by Essex County Council (ECC).
- Financial contribution to the NHS for the provision of medical services for the occupiers of the proposed development if required by the NHS.
- Payment of Council's reasonable costs to produce the legal agreement.

4.4.2 However, the relevant payment towards the Essex Coast RAMS has since been made so this obligation is no longer required and ECC has advised that no financial contribution towards education provision is required in this case as the number of units proposed is less than 20. No affordable housing provision/ contribution is offered but the applicant's agent states that the financial Viability Appraisal demonstrates that the scheme can be considered policy compliant without the provision of any Affordable Homes or S106 contributions towards Affordable Housing. This issue is discussed below. Notwithstanding this conclusion in relation to the currently proposed scheme in accordance with best practice Officers consider that any Section 106 Agreement would need to include an overage clause to ensure that affordable housing provision can be provided if the scheme becomes more viable than first anticipated. Furthermore, Officers are aware that the applicant also owns adjacent land and was originally part of the same site. The adjoining site could come forward for residential development at a later date and the Planning system allows for split sites to shoulder the additional burden of financial contributions when one application is considered unviable. Therefore, in addition to the above Heads of Terms, and to ensure clarity on any future application, it is considered that any Section 106 Agreement would need to include a clause to ensure that affordable housing provision across the combined sites was policy compliant in relation to affordable housing provision. The Applicant has indicated that they are happy to enter in to such an agreement.

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring occupiers, highway safety/access/parking, flood risk/drainage, the impact on nature conservation and the quality of life for the occupiers of the proposed dwellings. The need to secure any obligations as part of a Section 106 Agreement would also need to be considered/assessed.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).

5.2.2 Policy S1 of the 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 apply a number of key principles in policy and decision making set out in the Policy.

5.2.3 Policy S8 of the LDP steers new development towards the existing urban area. This Policy does allow for development outside the rural areas where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that it is for specified purposes. One of these specified purposes is the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3) but these specified purposes do not include new build residential properties such as the three bungalows proposed. Policy D3 would not be applicable in this case as the proposal would not impact on any heritage assets. Policy E4 supports the change of use of existing rural buildings to other employment generation uses. The conversion of these rural buildings to a residential use would, therefore, conflict with this Policy. Therefore, to comply with

the requirements of Policy S8, it would need to be demonstrated that the existing buildings are genuinely redundant and disused. This matter is discussed below.

5.2.4 As part of the drive to deliver new homes, the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five-Year Housing Land Supply (5YHLS). The Council is not currently able to demonstrate a deliverable 5YHLS with only 3.26 years of housing land supply.

5.2.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'Tilted Balance'. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

"For decision taking this means:

"(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

"(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or

"(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

Footnote 7 - This includes, for applications involving the provision of housing, situations where the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).

5.2.6 At the heart of the NPPF is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC [2017] UKSC 37).

5.2.7 It is necessary to assess whether the proposed development is 'sustainable development' as defined in the NPPF. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies. Furthermore, where the development plan is '*absent, silent or relevant policies are out of date*', planning permission should be granted '*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted*'.

5.2.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts

identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.

5.2.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 re-iterates the requirements of the NPPF. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date 5YHLS of deliverable housing and on the basis that proposals outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF, the LPA is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.2.10 Paragraph 78 of the NPPF states that:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'.

5.2.11 The application site is located outside of the defined settlement boundary of Southminster, a settlement that is classified as a 'larger village' within the District, as detailed within policy S8 of the LDP. The 'larger villages' are those described as having a limited range of services and opportunities for employment, retail and education, serving a limited local catchment and containing a lower level of access to public transport, compared to the main settlements of Maldon, Heybridge and Burnham-on-Crouch. The impact of the proposed development on the character and intrinsic beauty of the countryside should be assessed as well as whether the development constitutes sustainable development.

5.2.12 Environmental Dimension

5.2.13 Accessibility is a key component of the environmental dimension of sustainable development. Policy T1 aims to secure the provision of sustainable transport within the District and Policy T2 aims to create and maintain an accessible environment.

5.2.14 The application site is on the outskirts of Southminster and around 250m from the development boundary at its closest point. This settlement does host a selection of services and facilities, including a school, a GP surgery and a railway station which would be a reasonable level of services and facilities to meet the day to day needs of the future occupiers of the site. Furthermore, there is a bus stop opposite the site and a bus service along Steeple Road which provides access to Southminster railway station (bus route D2 - five buses per day Monday-Saturday between 09:44-18:34) and Maldon (bus route D2 – four buses per day Monday to Saturday 10:20-17:00). There is also a bus service on Sundays to Burnham-on-Crouch (bus route 31D between 09:00 – 21:00) and to Maldon and Chelmsford (bus route 31D between 07:47-17:44) as well as two school bus services (bus routes 593 and 510). The developer has also offered to provide travel information packs (purchased from ECC) to each household. However, it is acknowledged that access to the village by means other than the private car and by bus could be less than favourable due to the ease of pedestrian access. Therefore, there are limitations to the site's accessibility which weighs against the proposal.

5.2.15 The other elements of the environmental dimension (which would include the impact on the character and appearance of the area, nature conservation, residential amenity, the quality of life for the occupiers of the proposed residential units and flood risk / drainage) are discussed below.

5.2.16 Social Dimension

5.2.17 In terms of the social dimension of sustainable development, the development would contribute towards the supply of housing within the District at a time when the Council is only able to demonstrate 3.26 years of housing land supply. This matter weighs significantly in favour of the proposal.

5.2.18 Housing Mix

5.2.19 In addition to the above, the Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's most up-to-date Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one- or two-bedroom units and 40% for three-bedroom plus units. The proposal for 16no. residential units consisting of a mixture of one, two and three-bedroom units with at least 60% being one- or two-bedroom units, would contribute positively to the currently identified housing need and be responsive to local circumstances which would weigh in favour of the proposal but this weight would be limited due to the number of residential units proposed.

5.2.20 Affordable Housing

5.2.21 The site is located in an area identified in the approved LDP where 30% of the units would need to be affordable to comply with the requirements of Policy H1. The proposal does not include the provision of any affordable units on the basis of viability. This claim has been tested independently on behalf of the Council by external consultants. The main points of disagreement have been in relation to benchmark land value and build cost but, following the receipt of additional information and whilst agreement on all the details was not reached, the consultants have advised that *'the viability is most likely marginal, and the scheme is unlikely to support an affordable housing contribution'*. Based on this advice, it is considered that a refusal of planning permission due to the lack of provision of affordable housing could not be sustained in this case. This issue, therefore, has neutral weight in the determination of the current application.

5.2.22 Notwithstanding this, and as highlighted above, it is considered reasonable to impose an overage clause to ensure that affordable housing provision can be provided if the scheme becomes more viable than first anticipated and also to require any development on the adjoining land to meet the affordable housing contribution required across both developments as a whole.

5.2.23 Loss of Existing Use

5.2.24 The proposal would result in the loss of the lawful use of the buildings which, based on the understanding that the site used to form part of the adjacent residential care home, is considered to fall within Use Class C2. With a lawful use of Class C2, the requirements of Policy H3 would be relevant. Policy H3 states that proposals which result in the loss of specialist needs accommodation will not be considered acceptable unless it can be demonstrated that there is no longer a need for such accommodation in the District, or alternative provision is being made available locally through replacement or new facilities.

5.2.25 As part of the application, supporting information has been provided in order to demonstrate that the proposal complies with the requirements of Policy H3. The following provides a summary of the information provided. The facilities previously provided at the application site were vacated by the Dengie project trust as the property became unviable. The building was marketed by Lambert Smith Hampton from April 2018 as a care home as ECC had no further use for the property but, whilst there was interest expressed, no financial offers were made by care home providers. Furthermore, the facilities were replaced with a new facility in Asheldham in July 2017 (planning permission was granted for the change of use of an industrial unit at Asheldham Hall Farm, Hall Road, Asheldham to a day care centre for the elderly on 21 October 2016 - reference 16/00811/FUL). The new facility is a five minute drive away from the application site and the Trust provides a collection and home delivery service for the users of the facility. Based on this, it is considered that the requirements of Policy H3 have been met.

5.2.26 It should also be noted that the Council has refused a planning application relatively recently, in Burnham-on-Crouch, where it was acknowledged that the need for Class C2 residential accommodation, as identified within the SHMA, has been exceeded.

5.2.27 Other Social Matters

5.2.28 No Statutory Consultee has raised an objection to the proposal based on any perceived infrastructure constraints and the applicant has stated that they are willing to enter into a Section 106 Agreement to secure financial contributions towards medical services and/or education if the relevant consultees require. ECC has confirmed that no financial contribution towards education is required as the development is for less than 20 residential units. A consultation response from the NHS is awaited.

5.2.29 Economic Dimension

5.2.30 With reference to the economic dimension of sustainable development, the development would result in economic benefits through the employment and business created by the construction of the development proposed and the additional expenditure in the local economy by the new residents. These economic benefits would weigh in favour of the proposal but would be limited due to the scale of the development proposed.

5.2.31 It is understood that the cessation of the existing use of the site resulted in the loss of up to five full time jobs. However, as the facility has been moved to alternative premises within the District, there has been no overall loss of employment. Furthermore, the site has been marketed, in accordance with the Council's policy, and a commercial development was not forthcoming.

5.3 Design and Impact on the Character of the Area

5.3.1 Policy S1 of the LDP sets out a list of key principles in policy and decision making including emphasising the importance of high quality design in all development (principle 5). Policy D1 of the LDP is also applicable to the consideration of design. This Policy, coupled with the NPPF, aim to ensure good design taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk. The NPPF is clear that good design is indivisible from good planning and development of a poor design should be refused.

5.3.2 Policy D1 is considered to be particularly applicable to the proposals and it is noted that this states that development must *“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.”*

5.3.3 Policy H4 is also applicable. This policy states that all development will be designed and will seek to optimise the use of land having regard to a number of considerations:-

- 1) the location and 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.

5.3.4 The property is a brownfield site and the majority of the residential units proposed would be accommodated within two of the existing buildings. Furthermore, the alterations proposed to the exterior of these buildings would be relatively limited and a number of existing outbuildings would be removed. Account also needs to be taken of the fact that the existing use of the site, albeit Class C2 and not C3, is a type of residential use. Therefore, the impact of the conversion element of the proposal on the character and appearance of the area would be limited to an increase in the intensity of the use of the curtilage of the buildings for incidental residential purposes including amenity space and parking. It is noted that the proposal includes an increase in the size of the parking area within the site's frontage which is located in a visually prominent and relatively unscreened location within a bend in Steeple Road. However, the impact of the development would be reduced by the units being flats, rather than individual dwellings, which allows for the provision of an area of shared private amenity space at a rate of at least 25sq.m. per flat (see below) rather than individual curtilages. Furthermore, additional landscaping within and along the boundaries of the site would reduce the visual impact of the parking area proposed. The external materials would be largely retained as existing but with some areas clad with black weatherboarding which is considered to be appropriate for the site's rural location. No objections are raised to the use of double glazed, white uPVC windows.

5.3.5 With respect to the three bungalows proposed, these would add to the built form at the eastern end of the site. These buildings, whilst having some impact on the character and appearance of the area, would be seen in the context of, and as part of the group buildings which would be retained on site. Furthermore, the new buildings would be limited in height and bulk due to the roof forms proposed. Whilst the contemporary design of these buildings would contrast with the traditional design of the existing buildings to be retained on site, particularly in relation to their roof form and fenestration pattern; this is not considered to be an incongruous feature either

within the site or within the site's surroundings as these buildings would not be prominently located and the use of appropriate external materials and landscaping would assist with assimilating them into their setting, although it is acknowledged that their proximity to the northern and southern boundaries of the site would limit opportunities for screen planting. These buildings would also be located in a similar position to the existing outbuildings to be removed as part of the redevelopment of the site and would be of a comparable height. The external materials proposed would be a mixture of brick and black weatherboarding with clay tiles for the mono-pitched roofs which are considered appropriate for the design and location of the buildings. No objections are raised to the use of double glazed, white uPVC windows.

- 5.3.6 The other two new buildings (bin and cycle stores) would be located adjacent to the northern boundary of the site which would, again limit opportunities for screen planting to be provided. However, these buildings would be limited in height, constructed of traditional materials and would be seen with the existing main building to be converted as an immediate backdrop. Therefore, it is not considered that this element of the proposal would cause material harm to the character and appearance of the site's rural surroundings.
- 5.3.7 The site does contain existing vegetation along part of the southern boundary of the site and at the site's eastern end (the majority of which would be retained) and the existing vegetation would be enhanced with new planting as part of the redevelopment of the site. The Arboricultural Impact Assessment Report submitted advises that there are sixteen individual trees, one hedge and five groups of trees which formed the subject of the survey. The Report advises that all trees and groups on site are low quality or unsuitable for retention; although many could be retained, their removal is recommended to provide room for new sustainable and appropriate landscaping. As part of the Report, two trees are recommended for removal irrespective of the application: T11 birch (dead and collapsing) and T17 eucalyptus (potential instability). The trees to be retained will be protected during works by tree protection fencing and the new driveway within the root protection area of T22 (Italian Alder) will be installed in accordance with a method statement to be developed further to ensure root integrity and function. Overall, the Report concludes that the development provides an opportunity for new landscaping and tree planting in keeping with the landscape and suitable for the development.
- 5.3.8 The external lighting proposed would consist of low-level bollard lighting adjacent to the road route, parking and the pedestrian footway parallel to the northern boundary. It is considered that this aspect of the proposal would be appropriate for the development. Furthermore, it must be noted that, without the need for planning permission, extensive lighting could be placed on the existing building.
- 5.3.9 In conclusion, it is considered that the development proposed would not have a materially adverse impact on the character or appearance of the area.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy H4 also requires that regard is had to the impact of a proposal on the amenity of neighbours.
- 5.4.2 With respect to the impact of the development on the amenity of the occupiers of the neighbouring property (care home), the proposed windows and balcony for the main block would overlook the frontage of adjacent site and the smaller block would be

over 22m from the southern boundary of the site. Therefore, it is considered that the development would not cause material harm through overlooking, dominance or loss of outlook. The external lighting would be limited to low level bollards and the increased use of the site, given the scale and nature of the use proposed, would not be sufficient to cause material harm to the occupiers of the adjacent care home.

- 5.4.3 Conditions could be imposed if planning permission were to be granted requiring a construction management plan and details of external lighting, as recommended by the Specialist – Environmental Health.
- 5.4.4 Based on the above, it is not considered that the proposal would be an unneighbourly form of development.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 of the LDP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.5.2 The parking standard for one-bedroom dwellings would be a minimum of one space per dwelling. Two- and three-bedroom dwellings would need to be provided with a minimum of two spaces per dwelling. Visitor parking at a rate of 1 per 4 dwellings would also be required. Cycle parking would need to be provided at a rate of one per dwelling for the one-bedroom units and two per dwelling for the two- and three-bedroom units as well as 1 per 8 units for visitors.
- 5.5.3 On the basis that eight of the proposed units would be one-bedroom units and the rest would be two- or three-bedroom units, this would equate to the need to provide a minimum of 24 parking spaces plus 4 visitor parking spaces on site. The parking spaces would need to measure a minimum of 2.9m x 5.5m. To comply with the adopted standards, 30 cycle parking spaces would be needed.
- 5.5.4 The scheme proposed would accommodate 24 parking spaces which would be sufficient to comply with the adopted vehicle standards. Five of the parking spaces would be provided with vehicle charging points. The bungalows would be provided with individual cycle storage in the form of a shed for each property. The cycle store proposed would accommodate 21 cycle storage spaces which would fall only slightly short of the 24 spaces recommended in the SPD. There are three pairs of car parking spaces which would be laid out end-to-end, but each pair of spaces would be allocated to a single residential unit and, therefore, this form of provision would be acceptable. Based on the above, no objections to the scheme are raised in relation to parking or cycle storage.
- 5.5.5 In terms of the vehicular access, it is proposed to close the existing vehicle access located in the south-western corner of the site and the vehicular access on the northern boundary of the site to be retained as the sole access point from Steeple Road.
- 5.5.6 The Transport Assessment submitted concludes that, when comparing the trips generated by the permitted use (Class C2) and the proposed use (Class C3), the proposals are likely to result in a minor uplift in vehicle trips during the weekday AM/PM peak hours but of no more than 3 additional two-way trips. A Road Safety Audit has also been submitted following concerns having been raised by ECC Highways. ECC Highways have since advised that no objections are raised to the proposal, subject to the imposition of conditions which would be attached if planning

permission were to be granted for the proposal. Based on this advice, no objections to the proposal are raised in relation to highway safety or access.

5.6 Quality of Life for the Occupiers of the Proposed Residential Units

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 Each of the two-bedroom dwellings ('maisonettes') would be provided with a minimum of 50sq.m. private amenity space and the three-bedroom bungalows would be provided with at least 100sq.m. of private amenity space. The 11no. flats would be provided with a communal area of amenity space equating to a minimum of 25sq.m. per flat in addition to the terrace/balcony proposed for two of the units. The communal area proposed would be to the front of the site, close to Steeple Road, and so appropriate landscaping and/or means of enclosure would be required to increase the privacy level provided to an acceptable level if planning permission were to be granted for the development.
- 5.6.3 Any potentially harmful overlooking between the proposed residential units could be mitigated through requiring the relevant windows (eastern-most kitchen window of Flat 10 and the bedroom window on the eastern elevation of Flat 12) to be provided with obscure glazing and fixed closed to a height of 1.7m above internal floor -level if planning permission were to be granted. This requirement would not have an adverse impact on the quality of life for the occupiers of these two flats as these windows would not be the main windows serving habitable rooms.
- 5.6.4 The noise concerns that were originally raised by the Specialist – Environmental Health in relation to 'stacking' (for example, the preference for having kitchens above and below bedrooms and bedrooms above and below bedrooms) have either been resolved through changes to the internal layouts proposed or could be mitigated through insulation which would be a matter for Building Regulations.
- 5.6.5 Whilst not adopted by the Council, the size of the flats proposed would be broadly in-line with the National Described Space Standards of a minimum of 50sq.m. for 1 bed/2-person flats, 61sq.m. for 2 bed/3-person flats and 70sq.m. for 2 bed/4-person flats on a single level and 58sq.m. for 1 bed/2-person flats on two levels.
- 5.6.6 Details of the provision to be made for refuse and recycling storage would be in the form a detached building adjacent to the northern boundary of the site.
- 5.6.7 Based on the above, overall, it is considered that the quality of life for the occupiers of the residential units proposed would be satisfactory.

5.7 Flood Risk and Drainage

- 5.7.1 The application site is located within Flood Zone 1 (low probability) and the site is less than 1ha. so a site specific Flood Risk Assessment (FRA) is not required. However, a Flood Risk and Surface Water Management document has been submitted as part of the application.
- 5.7.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1, as identified by the

Environment Agency. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.

- 5.7.3 A Flood Risk and Surface Water Management document has been submitted as part of the application as part of which it is stated that, to ensure that the surface water drainage system is regularly maintained, the external drainage systems will be placed under a formal agreement with an independent Maintenance Company to carry out periodic inspections and any necessary remediation/maintenance works, thus safeguarding the development for the ongoing future. The applicant anticipates that a formal Maintenance and Management Plan/Statement will be required by condition if planning permission is granted for the development.
- 5.7.4 The Sustainable Drainage Systems (SuDS) Team at ECC originally responded with a holding objection to the proposal but on the receipt of additional information, raises no objections to the proposal subject to the imposition of conditions requiring a detailed surface water drainage scheme for the site along with its future maintenance. Anglian Water Services also makes a similar recommendation in relation to surface water drainage.
- 5.7.5 It is proposed that foul drainage would go to the main sewer. Anglian Water Services has advised that the foul drainage from this development is in the catchment of Southminster Water Recycling Centre that will have available capacity for these flows.
- 5.7.6 Based on the above, no objections to the scheme are raised in relation to flood risk or drainage, subject to conditions.

5.8 Nature Conservation

- 5.8.1 Policy N1 requires that open spaces and areas of significant biodiversity or historic interest will be protected and development which results in the creation, restoration, enhancement, expansion and interconnection of these sites will be encouraged. There is a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.8.2 Policy N2 is relevant to the assessment of the impact of the proposal on nature conservation; all development is required to make net biodiversity and geodiversity gain where possible. Policy D1 also refers to the issue of nature conservation. One of the criteria of Policy D2 is that negative impacts on ecology, landscape and green infrastructure should be minimised (criterion 5).
- 5.8.3 As a result of the location of the site and the nature of the development proposed, the proposal would have off-site impacts on nature conservation. Natural England (NE) has produced interim advice with reference to the emerging strategic approach relating to Essex Coast RAMS, to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.8.4 NE 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 (Zol) 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. Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – NE have provided an HRA record template for use where recreational disturbance is the only HRA issue.

- 5.8.5 The application site falls within the Zol 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. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is 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.
- 5.8.6 To accord with NE's requirements, an Essex Coast RAMS HRA Record would need to be completed by the LPA to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance.
- 5.8.7 To accord with NE's requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a 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 (Zol) for the Essex Coast RAMS with respect to the below sites? Yes

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

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

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

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

Summary of Appropriate Assessment - as a competent authority, the local planning authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites due to the nature, scale and location of the development proposed. Based on this and taking into account that NE's advice, it is considered that mitigation, in the form of a financial contribution, is necessary, in this case.

5.8.8 The financial contribution has already been paid and, therefore, it is considered that the off-site impacts of the development on nature conservation will be adequately mitigated.

5.8.9 With respect to on-site impacts on nature conservation, the application has been accompanied by a Preliminary Ecological Assessment which recommends the following:-

- Habitat enhancement;
- Limits on construction activities in the interests of protected species;
- Further surveys of buildings and trees for bats and a lighting plan;
- Habitat clearance and structural removal to avoid bird nesting season;
- Presence/absence surveys for reptiles undertaken;
- eDNA assessment of two off-site ponds to confirm presence/absence of GCN - if evidence found further surveys may be required to confirm value of the ponds for GCN.

5.8.10 Following advice from Essex County Council Ecology, additional information has been submitted as follows:

- preliminary results of a bat emergence/re-entry survey which was carried-out at dusk on 22 May 2021 of the three existing buildings - one of the existing buildings to be converted (B1) appears to be used as a day roost for at least four common pipistrelle bats. Further surveys are recommended (three dusk/dawn emergence/re-entry surveys on B1 and two dusk/dawn emergence /re-entry surveys on B3 and B4).
- Tree climbing inspection for bats – none of the potential roosting features identified were found to have any bat evidence associated with them and so were concluded not to be tree roosts but enhancements are recommended.
- There were no Great Crested Newts present in the pond sampled and no field sign of any past reptile presence was recorded.

5.8.11 Following re-consulted, ECC Ecology note that further bat surveys are to be carried-out to confirm the findings in relation to B1. They also note that the roosting status of buildings B3 and B4 is currently unconfirmed but that further surveys are scheduled to be undertaken in June and July. They advise that, if bats are found in buildings B3 and B4, appropriate mitigation measures will be required. However, ECC Ecology also advise that a Licence will be required to enable the proposed works to be lawfully undertaken. Furthermore, it is considered that the nature conservation value of the site could be adequately protected through the imposition of conditions if planning permission were to be granted requiring that the necessary additional surveys are carried-out and details of appropriate mitigation and enhancement measures, where relevant. Based on the above, no objections are raised in relation to the impact of the development on nature conservation interests of the site.

5.9 Other Matters

5.9.1 The Specialist – Environmental Health has advised that, as there used to be workshops to the rear of the site, a condition should be imposed relating to land contamination. Based on this advice, it is considered that the matter of contamination could be adequately dealt with through the imposition of a condition if planning permission were to be granted (Policy D2).

5.10 Planning Balance

- 5.10.1 It is important to recognise the balance between the LDP policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration.
- 5.10.2 The key priority within the NPPF, stated at paragraphs 7 and 8, is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for economic, social and environmental objectives as set out in the NPPF.
- 5.10.3 Notwithstanding the considerations as contained in those paragraphs, it is incumbent on the LPA, where appropriate, to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.10.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the harm which would arise from the proposed development.
- 5.10.5 The main benefits of the proposal are considered to be the social benefits associated with the contribution the development would make to the Council's housing land supply at a time when the supply is significantly below the 5-year minimum required. There would also be economic benefits.
- 5.10.6 Overall, it is considered that these benefits outweigh the limited harm the development would cause in relation to accessibility. Therefore, it is considered that the development proposed would be sustainable, and, as a result, be acceptable. It is recommended below that planning permission is granted subject to the imposition of conditions and all interested parties first entering into a S106 Agreement to secure the necessary obligations, as set out.

6. ANY RELEVANT SITE HISTORY

- **94/00623/FUL** – Conversion of existing building to daycare and healthcare offices erection of two storey frail elderly accommodation block two disabled bungalows and warden's bungalow – approved 31 October 1994

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommends refusal as the development is outside the village boundary and in an unsustainable location	Noted – refer to section 5.2 of report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	No objections subject to the imposition of conditions	Noted - refer to section 5.5 of report
Anglian Water Services	<p>Assets Affected - no assets within the development site boundary.</p> <p>Wastewater Treatment - the foul drainage from this development is in the catchment of Southminster Water Recycling Centre that will have available capacity for these flows.</p> <p>Used Water Network - the sewerage system at present has available capacity for these flows via a gravity connection to manhole 9301.</p> <p>Surface Water Disposal - the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. As the surface water sewer directly South of the development is not owned by Anglian Water, we require a strategy showing the final proposed connection point in order to make an accurate capacity assessment. A condition requiring a drainage strategy covering the issue(s) to be agreed is recommended along with informatives.</p>	Noted – refer to section 5.7 of report.
Essex County Council SuDS Team (ECC)	No objection, subject to the imposition of conditions and advisory comments.	Noted – refer to section 5.7 of report.
Environment Agency	No response.	
Essex and Suffolk Water	No response.	
Essex County Council Education (ECC)	No contribution required as the minimum threshold of 20 units is not met.	Noted.
NHS Property Services	No response.	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Ecology (ECC)	Recommends that additional ecological information on European Protected species (bats) and Priority species (reptiles) is required.	Noted – refer to section 5.8 of report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	Provides advisory comments in relation to ‘stacking’ and recommends conditions relating to contaminated land, a lighting scheme and a construction management plan.	Noted – the ‘stacking’ issue identified has been resolved through a revision to the internal layout. The applicant’s agent has also suggested that a false ceiling could be required by condition if necessary. The conditions recommended could be imposed if planning permission were to be granted - refer to sections 5.4 and 5.9 of report.
Senior Specialist - Housing	No objection as the Viability Appraisal has confirmed that the scheme is not able to deliver any affordable contribution, but it is recommended the Section 106 Agreement includes an Overage Clause to ensure any future uplift is available for a Commuted Sum contribution. It also appears that the site has been intentionally separated from adjacent land so the Section 106 Agreement should include a clause that would ensure that the shortfall in Affordable Housing provided as part of the current scheme is at least partially mitigated through any future sale or planning application.	Noted – refer to section 5.2.21 of report.
Tree Consultant	No response.	

7.4 Representations received from Interested Parties

7.4.1 **Three** 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
Outside settlement boundary – if approved would encourage proposals to infill land between proposed and existing housing	Noted – refer to section 5.2 of report.
Would impact on the enjoyment and facilities of the existing care home residents	Noted – refer to section 5.4 of report.
Poor transport links to Southminster/services/facilities/public open space by bus, cycling and on foot. Would increase car movements.	Noted – refer to sections 5.2 and 5.5 of report.
Lack of facilities – doctors, dentists and schools full	No objections have been received from ECC education or the NHS.
Development not viable.	Noted – the issue of viability is discussed in section 5.2.21 of the report.
The existing buildings are not genuinely redundant and disused. In any case, the provision of 3 new build bungalows would not constitute re-use of the existing buildings.	The issue of the loss of the existing use is addressed in section 5.2 of the report. Comment in relation to new build bungalows is noted.
This section of Steeple Road is rural and of low population density. These proposals seek to increase the population density which would substantially alter the character of the area.	Noted.
Insufficient parking proposed - car usage would almost certainly need to be above average. Additionally, the parking proposals include impractical parking spaces that are doubled-up lengthways for plots 13, 14 and 15 which would likely lead to parking outside of the allocated spaces.	Noted – refer to section 5.5 of report.
Communal amenity space is proposed some distance from the main building, next to the road and bordered on 2 sides by parking spaces. The access to this space would be closer to the entrance of the site than the main building. This doesn't appear to represent an area which could be enjoyed by residents.	Noted – refer to section 5.6 of report.

8. PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Overage clause
- Affordable Housing shortfall to be mitigated through adjoining 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) The Town & Country Planning Act 1990 (as amended).
- 2 The development shall be carried-out in accordance with the following plans and documents:
 - 0001.00 Site location plan;
 - 310.00 site layout plan (dimensioned);
 - cycle/refuse stores 308.01;
 - 306.01 Proposed plan and elevations (semi-detached bungalows);
 - 305.1 Proposed plan and elevations (detached bungalow);
 - TP-001 Topographical Site Plan;
 - 304.00 Proposed Elevations (maisonettes);
 - 303.00 Proposed Floor Plans (maisonettes);
 - 302.00 Proposed elevations (main building);
 - 301.01 Proposed floor plans (main building);
 - 300.00 Site Layout Plan;

 - 0002.00 Site block plan;
 - 005.00 existing floor plans (main building);
 - 006.00 existing elevations (main building);
 - 007.00 existing floor plans (detached building);
 - 008.00 existing elevations (detached building);
 - 009.00 existing plans and elevations (outbuildings).

 - Arboricultural Impact Assessment Report (November 2020)
 - Flood Risk and Surface Water Management (April 2021)
 - Preliminary Ecological Assessment

REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No external cladding, bricks or roof tiles shall be installed unless they match the existing buildings or samples have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.
REASON: In the interests of the character and appearance of the area, in accordance with Policies D1 and H4 of the approved Maldon District Local Development Plan and the NPPF.
- 4 Prior to their installation, details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The details as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained in perpetuity as such thereafter.
REASON: To ensure that the details of the development are satisfactory and in the interests of the quality of life for the occupiers of the proposed flats, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 5 Prior to the occupation of any of the residential units, hereby permitted, full details and specifications of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The landscaping details shall include the layout of the hard landscaped areas with

the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

All of the existing trees, hedgerows and vegetation shall be retained and maintained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority. The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: In the interest of the visual amenity of the area and quality of life for the occupiers of the proposed flats, in accordance with policies D1 and H4 of the Maldon District Development Local Plan and the NPPF.

- 6 Prior to the occupation of the development, all of the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON: To ensure appropriate parking is provided in accordance with the Council's adopted Vehicle Parking Standards (2018).

- 7 No development shall take place, other than that required to carry out necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site and whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and a written report of the findings must be produced. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

No development shall take place until details of a remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, shall be submitted to and approved in writing by the local planning authority. The scheme must be conducted by a competent person and in accordance with DEFRA and the Environment

Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The development shall be completed in accordance with the approved details and the Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority within 28 days.

Should the existence of any contaminated ground or groundwater 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, it must be reported in writing immediately, a risk assessment of the site undertaken 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11)', the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

REASON: To prevent harm being caused by any existing contamination at the site in accordance with policy D2 of the approved Maldon District Development Local Plan.

- 8 No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1.3l/s for all storm events up to and including the 1 in 100 year plus 40% allowance for climate change storm event subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
 - Final modelling and calculations for all areas of the drainage system.
 - Detailed engineering drawings of each component of the drainage scheme.

- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

9 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

10 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with the Maintenance Plan approved as required by condition 9. These must be available for inspection upon a request by the Local Planning Authority.

REASON: To avoid the risk of water flooding and pollution in accordance with Policy D2 of the Maldon District Local Development Plan.

11 No development shall take place, including any works of demolition, until a Construction Method Statement and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement/Plan shall be adhered to throughout the construction period. The Statement/Plan 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.
- disposal of waste material
- dust emissions
- hours of works
- location and duration of noisy activities
- prevention of pollution of ground and surface waters.

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 and in the interests of the amenity of local residents, in accordance with Policies D1 and T2 of Maldon District Local Development Plan.

12 The cycle parking and waste storage facility, hereby approved, shall be provided prior to the occupation of the development hereby approved. The approved facilities shall be retained at all times.

REASON: To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and in the interests of the amenity of existing and future residential, in accordance with policies D1, D2 and T2 of the Maldon District Local Development Plan.

13 All external illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light pollution upon nearby property including residential properties, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.

- 14 No dwelling shall be occupied until a scheme detailing ecological enhancements has been submitted to and approved by the Local Planning Authority. Such details shall include the provision of bird and bat boxes. The ecological enhancements as agreed shall be implemented as approved and retained as such thereafter for a minimum period of five years from the date of completion of the development.
REASON: To improve and enhance the biodiversity value of the site in accordance with policy N2 of the Maldon District Local Development Plan.
- 15 No development shall take place until full details of an ecological mitigation scheme (including implementation timing / phasing and maintenance) based on up-to-date ecological surveys (including those for bats) have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.
- 16 The eastern-most kitchen window of Flat 10 and the bedroom window of Flat 12 in the eastern elevation shall be provided with obscure glazing and shall be fixed closed below a height of 1.7m measured from the internal finished floor level. These windows shall be retained as such in perpetuity.
REASON: In the interests of the privacy of the occupiers of the proposed residential units, in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
- 17 Prior to occupation of the development, the vehicular access shall be constructed in accordance with the Access Plan, drawing numbered 2006930-002 prepared by Ardent Consulting Engineers.
REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 18 Prior to occupation of the development, the vehicle access at its centre line shall be provided with clear to ground visibility splay with dimensions of 2.4 metres by 132 metres to the north and 2.4 metres by 49 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
REASON: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan
- 19 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 Policies T1 and T2 of the Maldon District Local Development Plan
- 20 Any gates provided at the vehicular access shall be inward opening only and set back from the highway boundary.
REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the carriageway in the interest of highway safety in accordance Policies T1 and T2 of the Maldon District Local Development Plan
- 21 Prior to occupation the existing redundant access serving the application shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge/kerb.
REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety Policies T1 and T2 of the Maldon District Local Development Plan

- 22 Prior to occupation the vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.
- 23 Prior to occupation of the proposed development, the occupiers of each residential unit shall be provided with a Residential Travel Information Pack for sustainable transport. Details of the Pack shall be submitted to and approved in writing by the local planning authority and shall include six one day travel vouchers for use with the relevant local public transport operator.
REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

INFORMATIVES

1. Waste Management - 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, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. 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.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways,
Springfield Highways Depot,
Colchester Road,
Chelmsford.
CM2 5PU.
4. Anglian Water Services: notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. The developer should note that the site drainage details submitted

have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx> With respect to the surface water condition, a feasible drainage strategy agreed with Anglian Water detailing the discharge solution will be required, including:

- Development hectare size
- Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
- Connecting manhole discharge location
- Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)