



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
15 SEPTEMBER 2021**

<b>Application Number</b>	<b>21/00522/OUT</b>
<b>Location</b>	7 Station Cottages, Hall Road, Southminster, CM0 7EH
<b>Proposal</b>	Proposed new detached two storey dwelling.
<b>Applicant</b>	Mr Danny Townsend
<b>Agent</b>	Mrs Belinda Bowen - Townsend Bowen Ltd
<b>Target Decision Date</b>	20.08.2021
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>SOUTHMINSTER</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers as Departure from Local Plan

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see below.

**7 Station Cottages Hall Road Southminster Essex**  
21/00522/OUT



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Maldon District Council 100018588 2014

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	26/08/2021
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located south of Hall Road and it forms part of the amenity area of no. 7 Station Cottages. The largest part of No. 7 is within the settlement boundary; however, part of the rear garden is outside of the settlement boundary. The proposed development would be contained mainly within the part of land that is located within the settlement boundary.
- 3.1.2 The existing dwelling is part of a pair of semi-detached properties, with a half-hipped roof and front wall dormers. Access to the site is gained via Hall Road. The site is located immediately adjacent to one of the employment sites of Southminster (east of the site). To the north and west there are residential units, and beyond the dwellings to the north there is also an employment land area. To the south the site abuts a field. Southminster rail station is located 150m away from the site.
- 3.1.3 Outline planning permission with all matters reserved is sought for the construction of one detached two storey dwelling.
- 3.1.4 The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. The application has identified that this application is to consider the principle of the development only.
- 3.1.5 The considerations of layout, access, scale, appearance and landscaping would form a subsequent reserved matter application, should outline permission be granted for the proposal. Nevertheless, all material planning considerations are relevant where applicable to this application.
- 3.1.6 Whilst the application is outline with all matters reserved an indicative site plan has been submitted in support of the application alongside indicative floor plans and elevations which show the proposed dwelling would be a detached two storey 3-bed property. It should be noted that although a 3 bedroom property is proposed, this does not confirm a three bedroom property can be accommodated on site at this stage as a number of other factors, to be determined at reserved matters stage, would need to be satisfied i.e. parking number and arrangement.
- 3.1.7 The submitted indicative site plan shows a potential layout in conceptual terms, with an extended shared vehicular access from Hall Road and the property set back within the site. The existing plot would be sub-divided at an oblique angle in line with the existing layout of the plot boundaries.

#### **3.2 Conclusion**

- 3.2.1 The proposed development is considered to represent sustainable development and would assist, albeit marginally, in addressing the current Five Year Housing Land Supply (5YHLS) shortfall. The application site would be able to accommodate a single dwelling in a form that would appear in keeping with the prevailing pattern of

development within the street scene. The site is large enough to provide adequate set-back from the public highway, room for car parking and adequate private amenity space. It would also be possible for a dwelling to be designed on the site to ensure that no harm would occur to the residential amenity of neighbouring occupiers. Furthermore, a financial contribution has been secured in relation to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and therefore the impact of the development on designated sites can be mitigated. The proposal is therefore in accordance with the policies set out within the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF).

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2021 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
- 54-58 Planning Conditions and Obligations
- 78-80 Rural Housing
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment
- 189-208 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 Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

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

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD

- Maldon District Vehicle Parking Standards (VPS) SPD

## 5. **MAIN CONSIDERATIONS**

### 5.1 **Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.

5.1.2 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).

5.1.3 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:

5.1.4 *"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 local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73).*

5.1.5 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).

- 5.1.6 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. However, 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’.
- 5.1.7 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.
- 5.1.8 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 but there are no specific policies on sustainability in the current Local Plan. 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 five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are 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.
- 5.1.9 Paragraph 78 of the NPPF states that:
- 5.1.10 *“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.”*
- 5.1.11 The application site is partially located within the defined settlement boundary of Southminster which is classified as a “larger” village within the district which has limited access to services, facilities and public transport. There is a local train station located 150m away from the application site, which is on a major branch line from Shenfield to Southend. Adequate public footpaths are located immediately adjacent to the application site which is within walking distance of public transport as well as Southminster High Street, which is located 0.6km away. In light of the above, notwithstanding further assessment below, when considering the sustainability credentials of the site, it is considered that the provision of residential housing within a predominantly residential location would be acceptable in principle.

5.1.12 As such, having regard to the Council not being in a position to demonstrate a 5YHLS, the 'tilted balance is engaged in respect of the assessment of this application as set out at paragraphs 5.1.3-5.1.6 above.

## **5.2 Housing Mix**

5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development, and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, 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 the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

5.2.2 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need.

5.2.3 The Maldon District Local Housing Needs Assessment (LHNA) (2021) is an assessment of the housing need for Maldon District, as a whole, as well as sub-areas across the District which are considered alongside the housing market geography in this report. The LHNA is wholly compliant with the latest NPPF and Planning Practice Guidance, and provides the Council with a clear understanding of the local housing need in the District and demographic implications of this, the need for affordable housing, the need for older persons housing, the need for different types, tenures and sizes of housing, the housing need for specific groups and the need to provide housing for specific housing market segments such as self-build housing.

5.2.4 The LHNA concludes that the District has a need for smaller dwellings, with the biggest requirement for 3 bed dwellings; specifically, 25-35% 2-beds and 40-50% 3-beds.

5.2.5 As part of the application, indicative floor plans have been provided showing that the proposed property would have three-bedrooms. Although this information is only indicative at this stage, it is clear from the information provided that the proposal would meet the Council's identified need for a range of smaller dwellings, of which 3 bedroom dwellings has been recently identified which would weigh in favour of the scheme. Notwithstanding, the application is for consideration of the principle only. Paragraph 3.1.6 above identifies that other factors would need to be taken into account in any final determination of the number of bedrooms (i.e. parking provision) which is for consideration at reserved matters stage should the application under consideration be supported.

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

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.



- 5.3.6 This application is outline with all matters reserved and therefore access, layout, scale, landscaping and appearance are not for consideration as part of this application. However, the application makes clear the quantum of development sought and an indicative site plan, and elevations, have been submitted in support of the proposal. It is therefore necessary to assess whether the proposal is appropriate for the site and surrounding area, having regard to the indicative plans submitted.
- 5.3.7 The surrounding street scene is urban in character due to the presence of residential development and an industrial site; as such the development of this site for a single residential dwelling would not be out of character for the area or existing grain of development. Hall Road comprises properties of mixed design and as such the street scene does not have prevailing character of development. The properties on the southern stretch of this road, immediately adjacent to the application site, are pairs of semi-detached dwellings which have generous settings and spacing between them. The application site also provides a buffer between the residential properties and the industrial site. The introduction of a new house on the site would erode the spacious layout of development on this side of Hall Road and would not be in keeping with the existing semis. However, given that on the opposite side of the road there are a mixture of semi-detached and detached dwellings in narrow plots in close proximity to each other, on balance, it is not considered that a detached two storey property would be so harmful to the existing grain of development in the area to warrant refusal of the application. Although indicative at this stage, the plans show that the proposed house would be set back within the site and would respect the existing building line of properties on this side of Hall Road. The site is large enough to provide adequate set-back from the public highway, room for car parking and adequate private amenity space.
- 5.3.8 Overall, it is therefore considered that the site is of a sufficient size and position within the street scene to enable the erection of a dwelling without harm to the character and appearance of the area. Full details of the design and layout of any dwelling would be considered at the reserved matters stage.
- 5.3.9 It is noted that a Grade II listed building is located opposite the site. The Specialist – Heritage and Conservation has been consulted and has advised that the proposal, given that it would be on the opposite side of the road and similar in form and scale to the adjacent houses, would result in no harm to the setting or significance of No. 8 Hall Road as a Grade II listed building.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved 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).
- 5.4.2 The application is outline in nature with all matters reserved. Therefore, at this stage it is not possible to undertake a detailed assessment of the impact of the proposal on residential amenity as all plans submitted are indicative only. However, it is possible

to undertake a broader assessment based on the information that has been submitted.

- 5.4.3 The development would result in one new residential dwelling within an area that is residential in nature and therefore the proposed development is compatible with its wider surroundings in terms of use.
- 5.4.4 The application site is surrounded by existing residential dwellings to the south. The majority of these dwellings are two storey properties. The indicative plan shows the dwelling would be two storey and would be positioned over 2m away from the existing property No. 7 Hall Road. Due to the indicative positioning of the proposed property, it would be projected beyond No. 7 by approximately 3.3m in depth. Whilst the positioning of the property is only indicative at this stage, due to the sufficient separation distance between the properties, it is not considered that the development would result in an unacceptable impact, by way of overshadowing or domination to this neighbour.
- 5.4.5 The plans show that first floor windows would be proposed within the flank elevation of the proposed property, facing No.7. However, these windows are shown indicatively to serve a bathroom and stairwell. As such, it would be reasonable to condition these windows to be obscure-glazed only. Based on the indicative plans, there are no concerns in respect of overlooking to this neighbour.
- 5.4.6 Whilst these positions are only indicative, due to the size of the site and given the quantum of development proposed, it is considered that the proposed dwellings could be sensitively located with consideration given to the location of windows, without representing an unneighbourly form of development.
- 5.4.7 It is noted that the site is located adjacent to an existing industrial site which could have an impact on the amenity of the future occupiers, as well as the existing industrial premises, if complaints of nuisance were to arise as a result of the proposed development. The NPPF suggests that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. As such, during the lifetime of the application, a Noise Impact Assessment (NIA) has been submitted to address the concerns raised by Environmental Health in relation to these matters. Having reviewed the NIA (the Report) by Integrated Acoustics Limited dated 27 July 2021, submitted as part of this amended application, the Specialist – Environmental Health has advised that the content appears satisfactory.
- 5.4.8 On this basis, no objection is raised to the proposal, subject to the inclusion of a condition relating to the installation of an acoustic fence between the eastern boundary of the proposal and Hall Road Industrial Estate. The location and extent of the acoustic fencing is identified in Appendix 10 of the Report.
- 5.4.9 Therefore, subject to the above recommended conditions, it is not considered that the development would not represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

## **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.
- 5.5.2 Within the VPS, properties with 2 and 3 bedrooms require a minimum of two off-street car parking spaces. Limited details have been provided in relation to car parking and the reports above sets out that a final determination would be upon consideration of the reserved matters application. However, given the size of the site, it would appear that sufficient space could be provided to allow sufficient parking provision at both the proposed and existing properties, in accordance with the above standards.
- 5.5.3 Access is not a matter for determination at this stage, however, it is noted that the existing dropped kerb serving No. 7 would be extended to facilitate access to the proposed dwelling. Essex County Council Highways Authority (ECC) were consulted as part of this application and have advised that the extension of the existing dropped kerb will not have an adverse impact on street parking due to the existing parking restrictions on Hall Lane. As such, they have not raised any objections to the proposal subject to relevant conditions.

## **5.6 Private Amenity Space and Landscaping**

- 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 MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.6.2 The level of amenity space required for a three or more-bedroom dwelling is 100 square metres. It is considered that the dwelling could be positioned within the site so that there is this level of amenity space and therefore there are unlikely to be objections to the provision of amenity space. Furthermore, sufficient amenity space would remain at the dwelling of No. 7 Hall Road, after the subdivision of the site.
- 5.6.3 The Council's arboricultural consultant has been consulted on this application and has advised that a row of large conifers along the boundary with the industrial area have been felled at the front of the site and the proposal is unlikely to detrimentally impact on the trees that remain within the site. Notwithstanding this, he has advised that new hedge and tree planting as part of a soft landscape scheme would better provide future amenity and provide ecological benefit. Landscaping is not for consideration as part of this submission and this matter would be taken into account in any subsequent reserved matters application. Notwithstanding, a condition

relating to landscaping is recommended to ensure adequate details are submitted at the reserved matters stage

## **5.7 Ecology and Impact on Designated Sites**

5.7.1 The application site falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.

5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast 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. The findings from HRA Stage 1: Screening Assessment are listed below:

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 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.

5.7.3 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. NE does not need to be re-consulted on this Appropriate Assessment.

5.7.4 The Essex Coast RAMS document states that the flat rate for each new dwelling has been calculated at £127.30 and thus, the developer contribution should be calculated using this figure. A suitable signed legal agreement has not been agreed however the full RAMS fee has been paid and therefore the impact of the development can be sufficiently mitigated.

## **5.8 Planning Balance and Sustainability**

- 5.8.1 It is important to recognise the balance between the Local Plan 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
- 5.8.2 The key priority within the NPPF, stated at paragraph's 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 an economic, social and environmental objective as set out in the NPPF.
- 5.8.3 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 (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.8.4 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional unit may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Limited details are provided within the application to this effect. Any economic benefits would therefore be considered nominal.
- 5.8.5 In social terms the proposal would assist in supporting a strong vibrant and healthy community as the dwelling would be located in an area where there is good access to local services and facilities.
- 5.8.6 In environmental terms the accessible location of the site could offer some environmental benefits, again, as potential occupiers have viable alternative transport and accessibility choices to the use of a private car for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. However, this would need to be balanced against the impact of the development on the surrounding area and any environmental impact that may be caused.
- 5.8.7 Overall, taking this into account, the development is considered to be sustainable, and subject to other considerations, the principle of development would therefore be acceptable.

## 6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
18/00581/OUT	Outline application for a new two storey detached residential building.	Application Closed
02/00244/FUL	Erection of four self-contained flats for persons with living difficulties.	Refused and Appeal Dismissed

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommend approval.	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	A Habitats Regulations Assessment (HRA) must be undertaken to secure any necessary mitigation.	Noted
Essex Highways (ECC)	Acceptable subject to relevant conditions.	Noted

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions relating to surface water drainage and the erection of acoustic fencing.	Noted
Tree Officer	No objection subject to soft landscaping condition.	Noted

### 7.4 Representations received from Interested Parties

7.4.1 No representations were received for this application.

## 8. PROPOSED CONDITIONS

- 1 The development shall be carried out in accordance with plans and particulars relating to the access, appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters"), for which approval shall be obtained from the local planning authority in writing before any development is begun. The development shall be carried out fully in accordance with the details as approved.  
REASON: The application as submitted does not give particulars sufficient for consideration of the reserved matters.
- 2 Application(s) for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 The development hereby permitted shall be begun within two years from the date of the final approval of the reserved matters. The development shall be carried out as approved.  
REASON: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 4 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- 5 No works above ground level shall take place until details of the siting, height, design and materials of the treatment of all boundaries including existing hedging, gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The boundary treatment as approved shall be constructed prior to the first occupation of the development to which it relates and be retained as such thereafter.  
REASON: In the interest of local amenity and residential amenity in accordance with policy D1 of the approved Maldon District Local Development Plan.
- 6 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 1/l/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 ensure the adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework, and policy D5 of the approved Maldon District Local Development Plan.

- 7 Prior to first occupation, a 2-meter-high, acoustic, close boarded fence shall be erected on part of the eastern boundary of the development identified in red on the approved drawing no. TB/02 contained within the approved Noise Impact Assessment dated 27<sup>th</sup> July 2021. The acoustic fence shall be maintained as such thereafter.

**REASON:** To satisfactorily protect the residential amenities of the future occupiers and existing industrial premises to comply with Policy D1 of the Approved Local Development Plan.

- 8 The scheme to be submitted pursuant to the reserved matters shall make provision for the car parking of two off-street car parking spaces at both the existing and proposed properties in accordance with the Council's adopted car parking standards. Prior to the occupation of the development 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, in accordance with policy T2 of the approved Maldon District Local Development Plan.

- 9 The landscaping reserved matters details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the local planning authority. Such details shall be submitted concurrently with the other reserved matters. These 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 (fencing and boundaries), car parking layout, vehicle and pedestrian accesses. 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 program. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved 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: To ensure the adequate provision of landscaping to mitigate the impact of the development in accordance with Policy D1 of the approved Maldon District Local Development Plan

- 10 No works related to the alteration of ground levels at the site and no works above ground level shall occur until details of existing ground levels and proposed finished ground levels, and their relationship to the adjoining land, and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the character and appearance of the streetscene and the amenity of neighbouring occupiers, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

- 11 Prior to occupation of the development the existing dropped kerb vehicle crossing shall be extended by no more than 3.6 metres and shall be provided with an appropriate dropped kerb crossing of the footway. The total length of the shared dropped kerb shall be not be more than 7.2 metres in width.

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 D1 and T2 of the approved Maldon District 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.

To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.

- 13 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with policies D1 and T2 of the approved Maldon District Local Development Plan.

## **INFORMATIVES**

- 1 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](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

- 2 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.
- 3 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.

- 4 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.  
If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 5 When a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see [www.gov.uk](http://www.gov.uk) for more information on General binding rules for small sewage discharges.
- 6 Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively, you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk).

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

- 7 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.