



**REPORT of
CHIEF EXECUTIVE**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
17 JULY 2017**

Application Number	FUL/MAL/17/00384
Location	Land Adjacent 67 Queen Street Southminster
Proposal	2 residential two bed cottages with associated car parking, landscaping and demolition of the existing garage.
Applicant	Mr Levy - Countryside Style Ltd
Agent	Mr C Wragg - Arcady Architects Ltd
Target Decision Date	23.06.2017 EOT 18.07.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Land Adjacent 67 Queen Street
Southminster FUL/MAL/17/00384



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 Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: SE Committee

Date: 06/07/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site measuring 0.45Ha is located on the southern side of Queen Street. The site comprises an area of hardstanding used for the parking of vehicles in association with 67 Queen Street. A single pitched roof garage is observed on site and is proposed to be demolished as part of the development.
- 3.1.2 Planning permission is sought for the construction of 2 no. two bedroomed dwellinghouses. It should be noted that this application follows the grant of Outline and Reserved Matters approval for a similar scheme. The amendments to the scheme relate to Plot 2, which has been re-positioned within the plot to front the highway, redesigned internally and the proposed fenestration has been relocated. Plot 1 remains as previously approved along with the access arrangements, car parking provision and quantum of development on the plot.

3.2 Conclusion

- 3.2.1 The principle of the development, access arrangements and quantum of development on the plot are established through an extant planning permission and are not objected to. It is considered that the proposed amendments to the previously approved scheme, by reason of design would not harm the appearance or character of the dwelling or locality or have an overbearing impact on the amenity of the neighbouring residents. It is therefore considered that the proposed development is in accordance with policies BE1, BE6 and T8 of the RLP and T2, D1 and H4 of the LDP.

4. MAIN RELEVANT POLICIES

4.1 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 Development Boundaries and New Development.
- BE1 Design of New Development and Landscaping.
- H1 Location of New Housing.
- T1 Sustainable Transport and Location of New Development.
- T2 Transport Infrastructure in New Developments.
- T8 Vehicle Parking Standards.

4.2 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 Design Quality and Built Environment.
- T1 Sustainable Transport.
- T2 Accessibility.
- S1 Sustainable Development.
- S2 Strategic Growth.
- H4 Effective Use of Land.

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission and for Outline and Reserved Matters has already been granted for two dwellings on this site. As such, the principle of development has already been accepted. The determining factors in this application are whether the appearance and landscaping of the development are considered acceptable and meet the policy requirements.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that the changes in design from the previously approved scheme relate solely to plot 2. The orientation of the property has been revised; the principle elevation of the proposed property faced east under the previously approved scheme and has been amended to face north, fronting the highway. The proposed fenestration has also been revised, taking into account the change in orientation.
- 5.2.3 The properties along Queen Street, to the western end of the settlement boundary are characterised by modest residential properties of detached and semi-detached cottages fronting the highway. The change in orientation of the proposed dwelling is considered to appear commensurate with the existing built form along Queen Street and the proposed dwelling that would be sited in plot 1. Furthermore, although the proposal would increase the number of windows within the proposed dwelling it is not considered that it would have a detrimental impact on the character and appearance of the surrounding area.
- 5.2.4 Therefore, it is considered that the proposal, by means of its design, including its siting, is considered acceptable in its setting and would not detract from the appearance of the locality.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 of the RLP protects neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 The previously approved scheme raised no concerns in relation to the impact on neighbouring occupiers; therefore it is only necessary to assess the impact of the change in orientation and fenestration to plot 2.
- 5.3.3 There are no adjacent neighbouring properties to the west of the site; the dwelling proposed at plot 1 would be located to the east of the site. To the south of the site, adjacent to the proposed dwellings, a housing development of 117 dwellings is nearing completion and the property overlooks the public highway to the north of the site.
- 5.3.4 Given that the property would be rotated 90 degrees; plot 2 would be located further from the newly constructed dwellings to the south of the site; approximately 13m and although it would be slightly closer to the dwelling at Plot 1 it would still be in excess of 12m. Therefore, it is not considered to form an overbearing addition or to result in a loss of light to the detriment of the neighbouring occupier. Given the distance from the neighbouring properties and the proposed landscaping it is not considered that the fenestration would give rise to significant overlooking. Therefore, no concerns are raised in relation to impact on neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.
- 5.4.2 No alterations are proposed to the access arrangements as approved at the Outline and Reserved Matters stage and there are no new material planning considerations that would alter this stance. The area to the center of the site would accommodate off-street parking for four vehicles, two for each dwelling, in accordance with policy T8 of the Local Plan.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with two bedrooms is 50m².
- 5.5.2 The change in orientation of plot 2 would result in a change of the shape and an increase in the size of the rear amenity space from 69m² to 72m². No alterations are proposed to the size of the rear amenity space that would serve plot 1. Therefore, no concerns are raised.

6. ANY RELEVANT SITE HISTORY

- 16/01149/RES - Reserved matters application for the approval of appearance, landscaping and scale on approved application OUT/MAL/15/01254 (Erection of 2No. two bedroom properties with car parking and demolition of existing garage (resubmission). APPROVED 07.12.2016

- 15/01254/OUT - Erection of 2No. two bedroom properties with car parking and demolition of existing garage (resubmission) APPROVED 13.01.2016
- 15/00627/OUT - Outline planning permission for 2no. dwellinghouses REFUSED 23.09.2015.
- 14/00938/OUT - Outline planning permission with all matters reserved for the proposed erection of 3 no. two bedroom starter homes. WITHDRAWN 20.11.2014.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish Council	Comment	Officer Response
Southminster	Refuse due to lack of pavement and poor visibility sight line. Any car parking at the site would need to be reversed onto the site so they would be able to drive out safely. Any construction vehicles would need to be parked on site due to traffic congestion/dangers and safety.	There are no changes to the proposed access from the previously approved scheme that was supported by the Parish Council. It should also be noted that the County Highways have not raised an objection and have raised no concerns in relation to Highway Safety.

7.2 **Statutory Consultees and Other Organisations (summarised)**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objection subject to conditions.	Noted

7.3 **Internal Consultees (summarised)**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted
Archaeology	No objection subject to conditions.	Noted

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved drawings: 16/13/02 REV A, 16/13/03, 16/13/04 REV A, 16/13/05 REV A, 16/13/06 REV A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The parking and turning area shall be carried out in accordance with drawing reference 16/13/02 dated September 2016 prior to the beneficial occupation of the development hereby approved and retained as such thereafter.
REASON: In the interests of highway safety in accordance with policy T8 of the adopted Maldon District Replacement Local Plan, emerging policy T2 of the Submission version of the Local Development Plan and the guidance and principles of the NPPF.
4. The hard landscape works shall be carried out in accordance with drawing reference 16/13/05 dated September 2016 prior to the beneficial occupation of the development hereby approved. The soft landscape works shall be carried out in accordance with drawing reference 16/13/05 dated September 2016 within the first available planting season (October to March inclusive) following the commencement of the development. 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, uprooted, 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 interests of local amenity in accordance with policy BE1 of the Maldon District Replacement Local Plan, D1 of the emerging Local Development Plan and guidance within the National Planning Policy Framework.

INFORMATIVE

1. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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.

2. 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.