



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
24 JANUARY 2018**

Application Number	FUL/MAL/17/01277
Location	37 & 39 Warwick Drive Maldon Essex CM9 6BP
Proposal	Widening of communal path and erection of new store
Applicant	Maldon District Council
Agent	None
Target Decision Date	16.01.2018 (Extension of Time 26.01.2018)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION

APPROVE subject to conditions set out in section 8 of this report.

2. SITE MAP

Please see overleaf.

37 & 39 Warwick Drive
Maldon FUL/MAL/17/01277



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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:	Central Area Committee
Date:	12/01/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northwestern side of Warwick Drive, within the settlement boundary of Maldon. The site is occupied by an end of terrace property which has been split into two flats.
- 3.1.2 Planning permission is sought to widen the communal path, which provides access to the rear gardens of flats Nos 37 and 39, by 0.2m. The widening of the path will provide improved wheelchair access to the property and the rear garden.
- 3.1.3 It is also proposed to construct a store in the rear garden of No. 39. The store will be situated in the rear garden and will be 1.2 metres in height, 1.2 metres in depth and 1.8 metres in width. It will be constructed of timber, with a flat felt roof.
- 3.1.4 Planning permission is required for the proposed development as the property comprises flats and therefore, has no permitted development rights.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale, bulk and siting would not harm the appearance or character of the application site or the surrounding area. In addition, the proposed development does not detrimentally impact on the car parking provision or private rear amenity space on site. It is therefore considered that the proposed development is in accordance with policies D1, D3 and H4 of the LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14 – Preservation in favour of Sustainable Development
- 17 - Core planning Principals
- 56 -58 – Requiring good design

4.2 Maldon District Local Development Plan:

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Design Guide

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering residential accommodation to provide facilities in association with the use of the site is considered acceptable, in compliance D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of policy D1 of the LDP ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.2 The proposed widening of the communal path which provides access to the rear gardens of Nos 37 and 39 Warwick Drive is considered to have minimal impact on the character and appearance of the area due to its limited scale. Although the proposal will increase the level of hard standing on site, there is sufficient greenspace to the front of the site and next to the path. Therefore, it is not considered there would be an urbanising affect resulting from the development and so there would be no material harm to the application site, nor the surrounding area in accordance with the LDP.
- 5.2.3 The proposed store is of a typical design, style and materials for a residential garden store. Furthermore, given that it would be located in the rear garden and would be screened from the streetscene by a 1.8metre fence, there are no views of the development available from within the public realm. Therefore, it is considered that the proposal is acceptable and is in accordance with polices S1, D1 and H4 of the Local Development Plan.

5.3 Impact on Residential Amenity

- 5.3.1 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.
- 5.3.2 The proposed path is situated within communal land to provide access to the rear gardens of Nos 37 and 39 Warwick Drive. It is not considered that the minimal widening of the path will have any detrimental impact on the amenity of either occupier as it will provide improved access for both residents.

5.3.3 Furthermore, due to the nature of the store room, its minimal size, location and lack of any windows, it is not considered the development will result in any loss of privacy and will not have an overbearing impact on any neighbours. Therefore, the proposal is in accordance with policy D1 of the Local Development Plan.

5.4 Access, Parking and Highway Safety

5.4.1 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.

5.4.2 The proposed development does not include the addition of any extra bedrooms and does not alter the car parking provision on site. Therefore, as the proposal does not result in an increase in bedroom space and the site is within a town centre location where a relaxation of car parking is considered acceptable, there is no objection to the proposal in terms of car parking.

5.4.3 The proposal will involve the widening of the pathway which will result in improved and safer access for wheelchair users to the rear garden. Therefore, it is considered that the proposal is in accordance with Policy D1 of the Local Development Plan.

5.5 Private Amenity Space and Landscaping

5.5.1 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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 50sq.m. of private amenity space for dwellings with two bedrooms.

5.5.2 The existing private amenity space on the site is within the recommended standard contained within the Essex Design Guide. The proposed development will result in a minor loss of both the rear private amenity space and that to the front. However, the garden will remain in excess of 50sq m and so there is no objection in terms of amenity space. Furthermore, the benefit gained from the improved wheelchair access to the site, is considered to outweigh the harm caused by the minor loss of amenity space.

6. ANY RELEVANT SITE HISTORY

6.1 17/00754/FUL – approved. Remove existing steep ramp, construct new level platform to receive terry steplift 500 wheelchair lifting platform. Widen front entrance door. To allow wheelchair access for disabled tenant.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Statutory Consultees

Name of Consultee	Comment	Officer Response
Maldon Town Council	No response	Noted

7.2 Other Interested Parties

7.2.1 No letters of representation were received at the time of writing this report.

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 approved drawing: Block Plan, SK4, Proposed elevations.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.