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DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY,
PERFORMANCE AND GOVERNANCE
Paul Dodson

20 October 2020

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 28 OCTOBER 2020** at **6.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor R P F Dewick

VICE-CHAIRMAN

Councillor M W Helm

COUNCILLORS

M G Bassenger
B S Beale MBE
V J Bell
R G Boyce MBE
Mrs P A Channer, CC
A L Hull
N J Skeens
W Stamp

Please note: Electronic copies of this agenda and its related papers
are available via the Council's website www.maldon.gov.uk.

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AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 28 OCTOBER 2020

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 30 September 2020, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **20/00733/FUL - Land adjacent Orchard House, Nipsells Chase, Mayland** (Pages 11 - 22)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **20/00833/HOUSE- Beachcrest, Sea View Promenade, St Lawrence, Essex, CM07NE** (Pages 23 - 32)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

7. **Any other items of business that the Chairman of the Committee decides are urgent**

Reports for noting:

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and is available on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item Nos. 5.- 6.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation. The first person to register in each category will be given a dial in number which will allow them to conference call 'live' into the meeting to make their statement.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
30 SEPTEMBER 2020**

PRESENT

Chairman	Councillor M W Helm
Vice-Chairman	In the Chair
Councillors	V J Bell, R G Boyce MBE, Mrs P A Channer, CC, A L Hull and W Stamp
In Attendance	Councillors E L Bamford, C Morris and R H Siddall

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Bassenger and R P F Dewick.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 2 September 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer, CC, disclosed a non-pecuniary interest in all items on the agenda as a member of Essex County Council, a consultee on highways, access, waste, education and all planning related matters.

Councillor M W Helm declared a pecuniary interest in Agenda Item 5 18/01034/OUT – Mapledean Poultry Farm, Mapledean, Mundon, Essex and said he would leave the meeting for this item of business.

5. 18/01034/OUT - MAPLEDEAN POULTRY FARM, MAPLEDEAN, MUNDON, ESSEX

Application Number	18/01034/OUT
Location	Mapledean Poultry Farm Mapledean Chase Mundon Essex
Proposal	Redevelopment of poultry farm for approximately 5030sqm B1 (b) & (c) commercial floorspace with associated access arrangements
Applicant	B.J. Rock Ltd & S.P. Bardwell Ltd
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	Extension Target Date 15 March 2019
Case Officer	Julia Sargeant / Yee Cheung
Parish	MUNDON
Reason for Referral to the Committee / Council	Previous Committee Decision Major Application

A Members' Update had been circulated that advised the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations in relation to highway improvements and Travel Plan monitoring fee had now been agreed by Essex County Council Highways. On that basis the application had therefore been withdrawn from the South Eastern Area Planning Committee Agenda.

Given this item was withdrawn Councillor Helm remained in the meeting.

6. 20/00609/OUT - WINTERDALE MANOR, BURNHAM ROAD , ALTHORNE

Application Number	20/00609/OUT
Location	Winterdale Manor Burnham Road, Althorne
Proposal	Outline planning permission with matters of access, appearance, layout and scale for determination for the demolition of existing buildings and erection of 14 dwellings with associated infrastructure.
Applicant	Bardwell Plant & Agricultural Services Ltd
Agent	Mrs Tamsin Rogers - 2M Architects
Target Decision Date	05.10.2020
Case Officer	Hannah Bowles
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application Member call in from Councillor R G Boyce (MBE) Reason: D1 design H1 affordable housing

Following the Officer's presentation, the Chairman addressed three public participation submissions one from the Agent, Richard Bray on behalf of the applicant, one from the Chairman of Althorne Parish Council, Councillor Paul Burgess and finally, one from an Objector, Mr Terry Inkpen.

The Chairman advised the Committee that as he had briefly lost connectivity during the presentation and in accordance with Section 4, paragraph 4.7 of the Remote Meeting Protocol (May 2020) would not vote on this item of business.

The Chairman then moved the recommendation that planning application 20/00609/OUT, Winterdale Manor, Burnham Road, Althorne be refused for the reasons as detailed in Section 8 of the report. This was seconded by Councillor Bell.

Councillor Boyce, having called-in the application, opened the discussion. As a result of a reference to social housing in one of the submissions he commenced by declaring a non-pecuniary interest as a trustee of an Almshouse Charity. He added that given there could be no assurance that local residents availed of the social housing opportunities he supported the Officer's recommendation to refuse the application.

Councillor Bell said that she agreed with the Officer's recommendation of refusal as the application contravened the Local Development Plan (LDP) and commended the Officer's report.

Councillor Mrs Channer also declared a non-pecuniary interest as a trustee of an Almshouse Charity. She concurred with Councillor's Bell's summary and referred to the previous report and history of applications in Althorne, whereby the authority had won appeals with various Inspectors, as it was not a sustainable location. Councillor Stamp said she agreed with the views expressed, the Officer's report was excellent, and she supported the recommendation of refusal.

The Chairman put the Officer's recommendation of refusal to the Committee and upon a vote being taken it was agreed.

RESOLVED that the application be **REFUSED** for the following reasons:

- 1 The application site lies outside of the defined settlement boundaries where policies of restraint apply. The Council can demonstrate a five year housing land supply to accord with the requirements of the National Planning Policy Framework. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Maldon District Local Development Plan to meet the objectively assessed needs for housing in the District. The proposed development would substantially alter the character of the area and have an unacceptable visual impact on the countryside and the locality through the urbanisation and domestication of the site, representing the sprawl of built form outside the settlement boundary of Althorne. Furthermore, the limited design merit of the proposal, which would create a contrived and out of keeping form of development which would exacerbate the impact on the character and appearance of the area and the locality. The development would therefore be unacceptable and contrary to policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the development makes no contribution for affordable housing. The development would not therefore contribute to a

strong vibrant community as it would not provide a supply of housing required to meet the needs of present and future generations and as such is not considered to represent sustainable development, contrary to policies H1 and I1 of the Maldon District Local Development Plan, and Government guidance as contained within the National Planning Policy Framework.

7. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

Councillor Helm thanked the Committee for its support during his time as Chairman.

There being no further items of business the Chairman closed the meeting at 1.29 pm.

M W HELM
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
28 OCTOBER 2020**

Application Number	20/00733/FUL
Location	Land Adjacent Orchard House, Nipsells Chase, Mayland
Proposal	An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix.
Applicant	Mr & Mrs Kenny Paton
Agent	N/A
Target Decision Date	24.11.2020
Case Officer	Louise Staplehurst
Parish	MAYLAND
Reason for Referral to the Committee / Council	Councillor Miss S White is co-applicant. Major application on site area

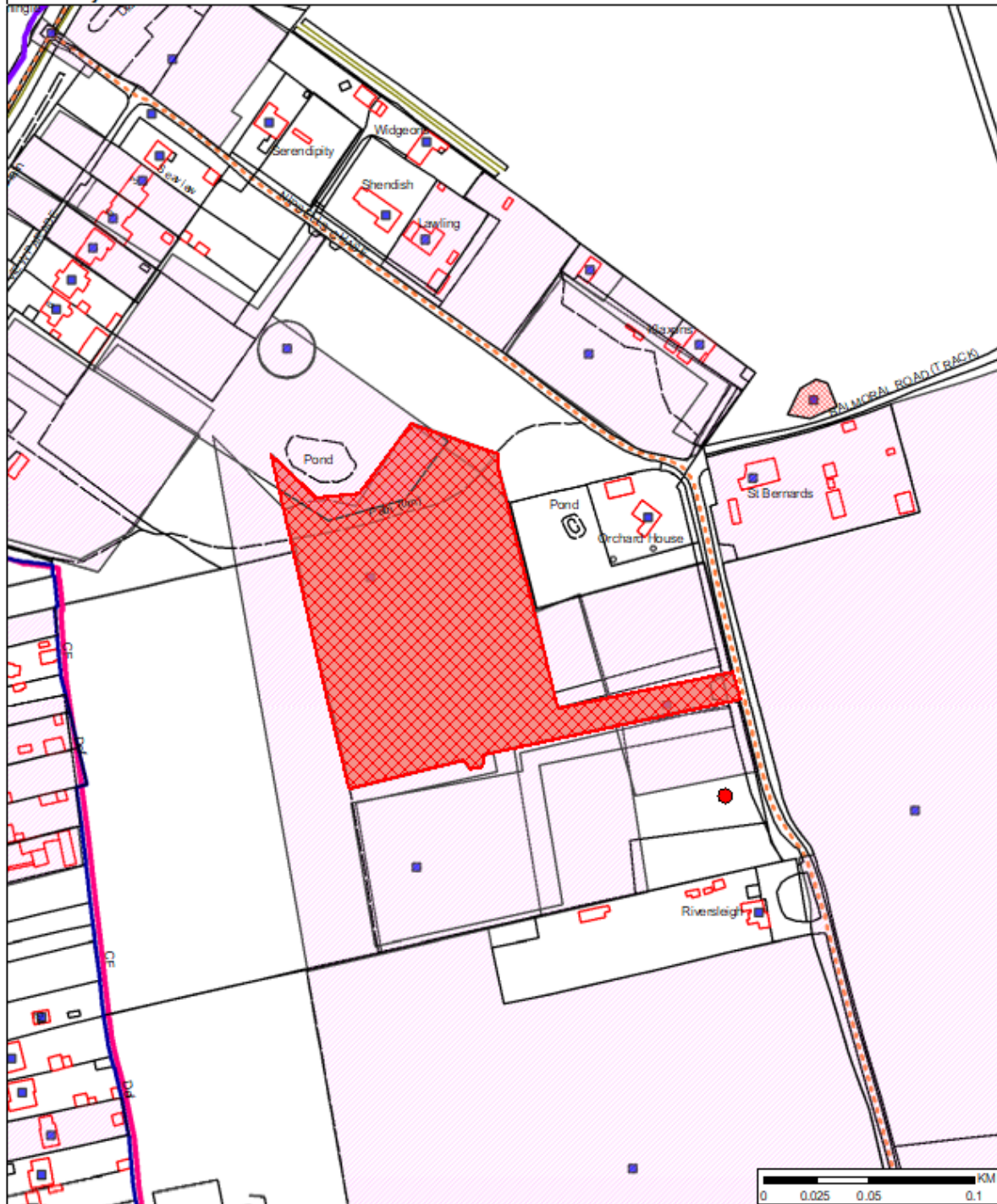
1. RECOMMENDATION


APPROVE subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

20/00733/FUL
Land Adjacent to Orchard House



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	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	15/10/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The application site is located on the western side of Nipsells Chase, within a rural area outside the defined settlement boundaries of the District and it is a designated local wildlife site. The site currently forms an open area of land, which has permission to be used for equestrian purposes (18/00839/FUL and 20/00345/FUL).
- 3.1.2 It is noted that within the application site and also in the area under the applicant's ownership, that is adjacent to the application site, there are trees that are subject to a Tree Preservation Order (TPO 4/18); although none of the trees are proposed to be directly impacted by the equestrian arena.
- 3.1.3 The surrounding area of the application site is largely undeveloped. There are some examples of dwellings to the north and south of the application site; however, the wider area appears to be used for agricultural purposes and is a rural nature. To the west the application site abuts a woodland site.

Description of proposal

- 3.1.4 Planning permission is sought for an equestrian arena which will lie to the west of Orchard House.
- 3.1.5 Application 18/00839/FUL approved permission for the change of use of the land to an equestrian use and the erection of a single storey building to be used for storage of agricultural machinery, hay, straw and the stabling of six horses. This was amended by application 20/00345/FUL.
- 3.1.6 The equestrian arena will be made of a sand mix and will measure 60 metres by 30 metres. It has been stated that the arena will be used to ride horses in the wet winter months to reduce the reliance of riding on roads. The application form states that the arena is proposed to be a large size as one of the horses is a Clydesdale, which is used for driving, (i.e. attaching a cart, carriage or other horse drawn vehicle to the horse), which is proposed to be undertaken within the arena.
- 3.1.7 Photographs have been provided showing an example of an equestrian arena including a typical post and rail boundary enclosing the site.
- 3.1.8 It has been stated that a new Hornbeam hedge will be planted along the northwest and northeast boundaries of the proposed equestrian arena.

3.2 Conclusion

- 3.2.1 The proposed development is not considered to result in demonstrable harm to the character and appearance of the site or the surrounding rural area. The proposal is also not considered to harm the amenity of neighbouring occupiers. There are also no concerns in relation to parking or highway safety. Subject to conditions, the proposal can be found acceptable and therefore the proposal is considered to be 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 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
- 124-132 Achieving well-designed places
- 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
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- E4 Agricultural and Rural Diversification
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 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 LDP.
- 5.1.2 The application site lies beyond the designated settlement boundaries, in a rural area and policies S1 and S8 of the approved Maldon District Local Development Plan (MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. However, whilst the site is located outside of a defined settlement boundary, it is considered that the principle of an equestrian arena would be commensurate with the rural character of the area. On that basis, it is not considered that the development would result in demonstrable harm to the character of the area.
- 5.1.3 It is also noted that permission has been granted for a stable and use of the area as equestrian under the terms of 18/00839/FUL and therefore there are no objections to the construction of associated equestrian facilities.
- 5.1.4 In light of the above, the principle of constructing an equestrian arena, is considered acceptable in the context of the area, in accordance with policies S1, S8 and D1 of the LDP, and the guidance contained within the NPPF.

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, 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.
- 5.2.2 Furthermore, good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

- 5.2.3 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;*
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The equestrian arena will be located to the west of Orchard House and north of the stable approved under 18/00839/FUL. Due to the nature of its use and positioning, it will not be highly visible from the surrounding area or the streetscene. Furthermore, the site has planning permission to be used for equestrian purposes under the terms of 18/00839/FUL. Although this permission has not been implemented it is still extant; it was considered visually acceptable for the land to be used for equestrian purposes and for the construction of a stable, therefore an equestrian arena would be visually in keeping with this use of the site and, whilst it would increase the level of manmade development on site it would not result in significantly more harm to the character and appearance of the area.
- 5.2.7 The proposed materials and hedging are considered to be acceptable. It is noted no specific drawing details of boundary treatments enclosing the equestrian arena have been provided however photographs have been submitted with the proposal showing a typical post and rail fence detail. Specific details have been requested via condition 4 below.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.

- 5.3.2 The development would be located a significant distance away from any other neighbouring residential dwelling. The nearest dwelling to the development is Orchard House and it is located 78 metres away from the proposed development. It is noted that some noise and disturbance would result from the use of the proposed equestrian arena, however it is also noted that permission has been granted previously (18/00839/FUL and 20/00345/FUL) for the use of the site for equestrian purposes and the erection of a stable and therefore due to this and the distance from the nearest dwelling, it is not considered that the development would have any detrimental impact on the residential amenity of the nearby neighbours in terms of loss of light, domination undue noise or sense of enclosure.
- 5.3.3 It is noted that if external lighting were to be erected at the site, this could result in light pollution and disturbance to neighbouring sites and therefore condition 6 has been included so that no external illumination can be erected at the site without first having to apply to the Local Planning Authority (LPA) for consent.
- 5.3.4 The application site is surrounded by open fields and as such, there would be no significant impact on residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 The proposed development would be used for equestrian purposes and therefore, there are no set requirements for parking provision. The development will be accessed via an existing vehicular access from Nipsells Chase. It is noted that a footpath runs adjacent to this access and therefore a condition will be included to ensure the footpath is maintained unobstructed.
- 5.4.3 No hardstanding has been provided to facilitate the moving of vehicles on site. However, as this development is away from the public highway and would be accessed along a private track, it is considered this would be a satisfactory arrangement in this instance.

5.5 Other Matters

Ecology

- 5.5.1 The site is a designated Local Wildlife Site it would therefore be regarded as a 'sensitive site' where there are clear policy requirements that aim to conserve and protect nature conservation interests. These principles are reflected within policy N2 of the LDP which

states that “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance”.

- 5.5.2 An extended phase 1 habitat survey dated February 2020 has been submitted in support of the application and has surveyed the whole site to ascertain whether there are protected species on the site. The report concludes that there is limited potential for protected species to be located within the site and that the development of the site will not result in harm to protected species. There are three recommendations set out however, to ensure that, if there are reptiles, amphibians, bats, badgers or hedgehogs on the site, that they are not harmed by the development. A condition will be imposed to ensure these recommendations are undertaken and the measures outlined and carried out as appropriate. It is also noted that the previous application 18/00839/FUL has been approved without any conditions requesting further information to be submitted to the LPA in this regard.

Surface Water Drainage

- 5.5.3 A surface water drainage scheme has been undertaken by Ambiantal Environmental Assessment and submitted with the application, which sets out the drainage scheme for the previously approved stables and the equestrian arena subject of this application. The applicant has confirmed that the equestrian arena will be of a permeable construction. The drainage report concludes that a detention basin will be implemented, and any surface water run-off will be discharged into an existing watercourse, draining towards the west, which is considered to be acceptable. These details have been secured under condition 5.
- 5.5.4 This drainage scheme was not submitted with the application originally and has been submitted later and therefore a response from Environmental Health has not yet been received. Any subsequent response will be included on the Members' Update and the proposed condition updated if required.

Trees

- 5.5.5 It is noted that the site is subject to a Tree Preservation Order (TPO) (4/18). None of the trees subject to the TPO are near to the proposed equestrian arena and therefore will not be impacted by the development directly. It is noted that the construction of the development could impact some of the TPO trees within the site if the construction materials were stored within the root protection areas of these trees, or if vehicles were driven near to the trees. Condition 7 has therefore been included to ensure that no materials or vehicles etc will be stored/manoeuvred within the root protection area of the trees, which has been calculated at 15 metres by the Council's Tree Consultant and therefore there are no objections in terms of the impact on trees, subject to condition 7.

- 5.5.6 On Google maps aerial view, it appears there is a tree adjacent to the proposed development to the south east however the applicant has sent in photos to confirm that it was bushes/shrubs covering the remains of an old building, rather than a tree, which has now been removed.

6. ANY RELEVANT SITE HISTORY

- **17/00736/FUL** – Proposed construction of a new detached single storey dwelling - Application withdrawn.
- **17/01043/AGR** – Prior notification for permeable hardstanding, with edging stones - Refused
- **17/01060/DD** – T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day D&D (5 Day Notice) - Approved
- **18/00280/FUL** - Construction of an apple storage barn – Approved
- **18/00839/FUL** - Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses – Approved
- **20/05040/DET** - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition 3 – Materials – Approved
- **20/00345/FUL** - Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses) – Approved
- **20/05110/DET** - Compliance with conditions notification 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses) Condition 3 - Materials. Condition 4 - Boundary treatment. Condition 7 - Surface water drainage. Condition 10 - External Lighting. Condition 11 - Tree Protection. – Pending

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	We recommend the refusal of planning permission: No clarification on plans as to where the excess water will go to	Comments noted. A drainage scheme has since been submitted and secured under condition 5.

7.2 Representations received from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No response at the time of writing this report.	Any response will be dealt with via a Members' Update.

7.3 Representations received from External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	In respect of this application I have no objection to a report not being provided prior to works starting on site, as long as no development, storage of materials, parking of vehicles / plant or other construction activities shall take place within 15m of the TPO trees and other trees shown to be retained.	Comments noted. See condition 7.

7.4 Representations received from Interested Parties

7.4.1 No neighbour representation letters have been received.

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 drawings: 1142/01 Rev A, Arena Site Plan, Arena Plan, Surface Water Drainage Strategy, Ecology Report
REASON To ensure the development is carried out in accordance with the details as approved.
3. The development hereby approved shall be carried out in accordance with the details specified in the application form/information provided.
REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the use of the development hereby approved details of the boundary treatment of the equestrian arena shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the use of the site and building hereby approved in accordance with the approved details and be retained as such in perpetuity.
REASON To ensure the appearance of the boundary treatments are appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
5. The development shall be carried out in accordance with the surface water drainage scheme, 'Surface Water Drainage Strategy' undertaken by Ambiental Environmental Assessment (reference: 5407 SWDS) and shall be retained as such thereafter.
REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).
6. No floodlighting or other external form of illumination of the site shall be undertaken without the prior written approval of the local planning authority. Prior to the use of the development hereby permitted, details of any proposed floodlighting and all other external illumination of the site shall be submitted to and approved in writing by the local planning authority. All 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 protect residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.
7. There shall be no development, storage of materials, parking of vehicles / plant or other construction activities taking place within 15 metres of the trees on the site subject of Tree Preservation Order 4/18.
REASON To protect the trees subject to TPO 4/18 and in the interests of the visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.
8. The public's rights and ease of passage over restricted byway number 17 in Mayland shall be maintained free and unobstructed at all times.
REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
9. The development hereby approved shall not be used for business or commercial use including for the purposes of livery or any riding school activity.
REASON To protect the amenity and character of the area and the amenity of neighbouring occupiers, in accordance with policies S1, S8 and D1 of the LDP.
10. The proposed development shall be undertaken in accordance with the information and recommendations contained within the submitted ecology report dated 9th February 2020..
REASON To ensure appropriate protection of protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the approved Local Development Plan.

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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
28 OCTOBER 2020**

Application Number	20/00833/HOUSE
Location	Beachcrest, Sea View Promenade, St Lawrence, Essex CM0 7NE
Proposal	Ground and first-floor extensions and formation of glazed Gambrel at first floor together with an extended roof terrace
Applicant	Mr & Mrs Gilly & Karl Terklesen
Agent	Mr Terry Hyland - Wood Architecture & Building
Target Decision Date	21.10.2020
Case Officer	Annie Keen
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs P A Channer Reason – Policy D1 – Design Quality and Built Environment (1a an 1b) and Policy S1 – Sustainable Development.

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Beachcrest, Sea View Promenade, St Lawrence
20/00833/HOUSE



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Malden District Council 100016588 2014



www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: South East Area Committee

Date: 15/10/2020

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 southern side of Sea View Promenade within the settlement boundary of St Lawrence. The site contains a two storey semi-detached dwelling with a mansard roof and a flat roofed rear extension. The dwelling is finished in cream render to the front with hanging tiles at first floor and cream coloured boarding to rear. To the side of the dwelling is a balcony which extends towards the rear of the dwelling.
- 3.1.2 The site is affected by an Article 4 direction which protects the land forming a highway verge to the front of the dwelling.
- 3.1.3 Planning permission is sought for the removal of the existing ground floor bay window and the construction of a single storey front extension and first floor front extension with a gambrel style roof. Permission is also sought for a first floor rear extension, an extension to the existing roof terrace and a change of materials to the host dwelling.
- 3.1.4 The proposed ground floor front extension would measure 5.6 metres in width and 1.4 metres in depth with a flat roof height of 3.5 metres. The proposed extension to the roof terrace, which would form the flat roof to the single storey front extension, would measure a maximum of 9 metres in width and a maximum of 3.5 metres in depth at a height of 3.5 metres, joining the existing terrace. The proposed balustrade would measure 1.1 metres in height.
- 3.1.5 The proposed alterations to the front elevation would increase the size of the front dormer to measure a maximum of 5.8 metres in width to the edge of the proposed gambrel roof and 0.5 metres in depth with a height of 3.9 metres and an overall height of 7.4 metres. The proposed alterations would also increase the size of the side dormer to the west and would measure 7.6 metres in width and 0.7 metres in depth, creating a flat roofed first floor projection.
- 3.1.6 The proposed rear extension would measure 1.3 metres in width and 3.2 metres in depth with a maximum roof height of 6.2 metres, extending and altering the existing rear projection.
- 3.1.7 The proposed materials would be self-coloured white render with Cedar weatherboarding, plain roof tiles and mineral felt. The proposed windows would have timber internally and aluminium frames externally with triple glazed windows. An additional hedgerow is also proposed to the front eastern boundary.
- 3.1.8 This application is a re-submission of application 19/00909/HOUSE which was refused for the following reason:
1. *The proposed development by reason of its scale, bulk and design would appear a dominant and contrived addition to the dwelling, also resulting in an unbalanced appearance to the two semi-detached dwellings. This would detrimentally harm the character and appearance of the host dwelling, the*

streetscene and the wider locality, contrary to policies D1 and H4 of the LDP and the guidance contained within the NPPF and MDDG.

- 3.1.9 Alterations made to the proposal have reduced the scale and bulk of the development, decreasing the size of the front gambrel dormer and replacing the previously proposed gambrel roof projections to the side of the dwelling with a flat roofed dormer. Alterations have also been made to the proposed materials.

3.2 Conclusion

- 3.2.1 It is considered the proposed development has not overcome all of the previous concerns raised in relation to the design of the first floor front extension, which would be out of keeping with the character of the host dwelling and result in an unbalanced appearance to the pair of semi-detached dwellings. It is therefore considered the development would detrimentally impact upon the character and appearance of the host dwelling and the surrounding area, contrary to policies D1 and H4 of the Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide (MDDG).

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
- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)

- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 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 LDP.

5.1.2 The principle of extending and altering an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

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, 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.

5.2.2 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“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”.

5.2.3 This principle has been reflected to the approved LDP. 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;

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

- 5.2.5 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 original building and 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.
- 5.2.6 The proposed development would consist of a single storey front extension with an extended roof terrace, alterations at first floor level to increase the size of the front and side dormer windows and a first floor rear extension. This application is a resubmission of 19/00909/HOUSE which was refused due to the scale, bulk and design of the proposed extensions. Alterations made to the proposed development have altered the design of the proposal, reducing the scale and bulk of the front and rear extensions.
- 5.2.7 The proposed single storey extension would project from the front of the dwelling in line with the existing neighbouring dwelling. Whilst previous objections were raised regarding the bulk of the front projection when viewed as a whole with the first floor front addition, the proposed alterations to the design of the ground floor element and redesign of the first floor element, has resulted in the ground floor extension no longer appearing as a dominant addition to the host dwelling. Due to this the single storey element of the front extension has overcome the previous concerns raised.
- 5.2.8 The proposed first floor alterations to the front and side elevations have been reduced in scale from that proposed in application 19/00909/HOUSE, however whilst the depth of the dormers have been reduced and the proposed side projection has been altered to a flat roofed dormer, a Gambrel style roof remains to the proposed front projection. This front addition is larger than that of the adjoining neighbouring dwelling and significantly different in terms of design. Whilst it is acknowledged the neighbouring dwelling to the west has a Gambrel style roof and that there are dwellings of varying design within the locality, these dwellings are detached. The dwelling subject of this application is a semi-detached dwelling and therefore it is considered, when viewed together as a pair of semi-detached dwellings, the proposed first floor front addition unbalances the pair of dwellings and detrimentally impacts upon the character and appearance of the dwelling and the streetscene. The proposed side dormer, however, whilst significantly larger than existing, takes cues from the host and adjoining neighbouring dwellings and therefore would be in keeping with the host dwelling and the design of the semi-detached dwellings when viewed as a whole.
- 5.2.9 In support of the scheme, the agent has commented as follows:

The neighbouring buildings are of assorted designs and material finishes and feel the proposed scheme would have a positive effect. A mixed pallet of traditional and contemporary materials gives visual interest and layered materials give depth and contrast. The proposal respects the scale, proportions and height of neighbouring properties while not unduly mimicking the character of its surroundings. The scheme responds positively to the site and its surroundings and provides an interesting,

attractive and sustainable addition. The proposal ensures there is no detrimental impact on the existing amenity.

- 5.2.10 The proposed front balcony would sit on the roof of the proposed single storey front extension and project to the west in line with the existing balcony to the first floor side. Balconies to the front of dwellings are a common feature within the streetscene and therefore no objections are raised regarding the proposed balcony. Concern has been raised regarding an overlooking potential from the balcony to the adjoining property, but this is addressed below under residential amenity
- 5.2.11 The previously proposed rear extension has been removed from the plans and alterations are proposed to the existing rear conservatory. The proposed alterations would extend the rear projection to the west, in line with the existing dwelling, whilst alterations to the elevations would reduce the amount of glazing to the southern and eastern elevations, result in a more solid appearance. Due to the position of the dwelling, being forward of the neighbour to the west, the proposed development would be visible from the streetscene, however the rear extension would not detrimentally impact upon the character and appearance of the host dwelling or the streetscene.
- 5.2.12 In terms of materials, the use of render and plain tiles would be in keeping with the host dwelling and due to the use of cladding featuring within the streetscene the proposed Cedral cladding would not detrimentally impact upon the character and appearance of the streetscene.
- 5.2.13 Based on the assessment above, it is considered the proposed first floor front extension has not overcome the previous concerns raised and is therefore contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The proposed development would abut the boundary shared with the neighbouring dwelling, 'Rivermist', to the east of the application site. The proposed single storey front extension would be situated in line with that of the existing projection of 'Rivermist' and therefore it is considered the proposed single storey front extension would not result in overshadowing of the neighbouring occupiers. The proposed front dormer, whilst it would project slightly, would not result in overshadowing or overlooking of the neighbouring occupiers, however concern has been raised regarding overlooking from the proposed balcony to the adjoining semi. The proposed balcony would be located 0.6 metres from the boundary line with the neighbouring dwelling and 2.3 metres from the first floor window/doors of that neighbouring dwelling. The balcony extends to 1.3m in depth, and although this is fairly limited, some views of the neighbouring dwelling could be possible. Were the application to have been recommended for approval officers would have sought that the balcony be set further back from the boundary with the adjoining property and in line with the nearest window/door jamb. This would ensure that any overlooking would be reduced to prevent any material overlooking and loss of amenity to the neighbour. It should be noted however, that the neighbouring property has direct access to the roof of its own single storey front extension and as such, unrestricted access to that area.

- 5.3.2 In regard to the proposed rear alterations, the proposed development would not detrimentally impact upon the private amenity of the neighbouring occupiers by way of over shadowing. However, it is noted the plans show high level windows in the eastern elevation of the rear projection, which would face towards the neighbouring private amenity space. If the application was to be approved a condition could be imposed to ensure these windows were obscure glazed.
- 5.3.3 The existing balcony to the west is situated a minimum of 1 metre from the boundary shared with the neighbouring dwelling to the west, 'Waters Edge' with the main building sited approximately 4 metres from that same dwelling. The proposed rear extension would be situated 3.3 metres from the boundary and 4.9 metres from the neighbouring dwelling. Due to the position of the proposed development it is considered the front and side dormer, rear extension and extension to the roof terrace would not detrimentally impact upon neighbouring private amenity by way of overlooking or overshadowing. Whilst it is acknowledged there are windows proposed to the western elevation, the northern most window (facing the front balcony of 'Waters Edge'), is an enlargement of an existing dormer. The south western most window, whilst a new opening in this elevation, would have no greater impact than the existing conservatory at first floor level. As such it is considered that this element of the proposal would not result in a material impact on the amenity of 'Waters Edge' by way of overlooking than currently exists. Furthermore, due to the scale of the proposed development in relation to 'Waters Edge', it is considered the proposed development would not be unduly overbearing.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum 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.
- 5.4.2 The proposed development does not result in any additional bedrooms and whilst the development extends to the front of the dwelling this would not alter the level of off-street parking provided. Due to this the proposed development is in accordance with the Maldon District Vehicle Parking Standards SPD and policy D1 and T2 of the LDP.

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 MDDG 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 25m² for flats.

- 5.5.2 The dwelling sits on a large site measuring in excess of the required 100m² amenity space specified within the Maldon Design Guide. The garden will remain in excess of 100m² after the construction of the proposed development; therefore the proposed development is in compliance with policy D1 of the LDP.

5.6 Other Material Considerations

- 5.6.1 The site where the development is proposed lies within Flood Zone areas 2 and 3 (high risk) as defined by the Environment Agency, where the risk from tidal flooding is greater than 1:200 years. The applicant has submitted a flood risk matrix which states that the 'floor levels within the proposed development will be set no lower than existing floor levels and flood proofing of the proposed development has been incorporated where appropriate'. Therefore, there are no objections raised on the grounds of flood risk.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
03/00419/FUL	Demolition of existing garage and erection of single storey side and rear extension with decked terrace over incorporating 1.8m high vertical louvred privacy screen, entrance verandah and decked terrace to rear of property	Approved
19/00909/HOUSE	Erection of first floor extensions, alterations to dwelling and materials	Refused
20/00827/HOUSE	Ground floor extension, First-floor extension and extended roof terrace	Pending Consideration

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
St Lawrence Parish Council	Support	Noted

7.2 Representations received from Interested Parties

- 7.2.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
A big glazed Gambrel window at the front elevation would look unbalanced on appearance of both houses from the street view and would be more suited to a detached house.	Please see sections 5.2 and 5.3.

Objecting Comment	Officer Response
Impact on privacy as the balcony outside the front elevation is next to our bedroom.	

8. PROPOSED REASON FOR REFUSAL

1. The proposed development, by reason of the design of the first floor front extension, would result in an out of keeping and unbalanced appearance to the host dwelling and the pair of semi-detached dwellings, detrimentally harming the character and appearance of the host dwelling, the streetscene and the wider locality, contrary to policies D1 and H4 of the LDP and the guidance contained within the NPPF and MDDG.