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

09 March 2021

Dear Councillor

You are summoned to attend the meeting of the;

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 17 MARCH 2021 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 N J Skeens

VICE-CHAIRMAN

Councillor V J Bell

COUNCILLORS

M G Bassenger
B S Beale MBE
R G Boyce MBE
Mrs P A Channer, CC
R P F Dewick
M W Helm
A L Hull
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 17 MARCH 2021

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 17 February 2021 (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. **20/01163/FUL - Orchard Cottage, 36 Mountview Crescent, St Lawrence** (Pages 13 - 32)

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

6. **20/01238/FUL - Barn at Little Acre, Scotts Hill, Southminster** (Pages 33 - 48)

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

7. **20/01275/FUL - Commercial area, Bradwell Marina, Waterside Road, Bradwell-On-Sea** (Pages 49 - 58)

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

8. **21/00012/VAR - Theedhams Farm, Steeple Road, Southminster, Essex** (Pages 59 - 68)

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

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

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. 5-8.
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 sent a Microsoft Teams invitation which will allow them to join the 'live' 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**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
17 FEBRUARY 2021**

PRESENT

Chairman	Councillor N J Skeens
Vice-Chairman	Councillor V J Bell
Councillors	M G Bassenger, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, M W Helm and A L Hull
In Attendance	Councillors A S Fluker and C Morris

260. 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 the etiquette for the meeting and then asked Officers and Councillors in attendance to introduce themselves.

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

261. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R P F Dewick and W Stamp.

262. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 20 January 2021 be approved and confirmed.

263. 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 A L Hull declared a pecuniary interest in Agenda Item 6 – 20/01166/FUL. Land South of Charwood and East of Orchard House, Stoney Hills, Burnham-on-Crouch and would leave the meeting for this item of business.

264. 20/00883/FUL - ANNLEY HOUSE, BURNHAM ROAD, LATCHINGDON

Application Number	20/00883/FUL
Location	Annley House, Burnham Road, Latchingdon
Proposal	Section 73A retrospective application for single storey extensions and outbuildings and alterations to hours / music at the site.
Applicant	Mr & Mrs Paul Likeman
Agent	Chris Cumbers - CBS Cumbers MCIAT
Target Decision Date	27.11.2020
Case Officer	Louise Staplehurst
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor Mark G Bassenger Reason: this is an existing business providing local employment, providing a service and promoting tourism – policies E1 and E5 of the Local Development Plan (LDP).

Following the Officer's presentation, the Applicant, Mrs Likeman, addressed the Committee. The Chairman then moved the recommendation that planning application 20/00883/FUL, Annley House, Burnham Road, Latchingdon be refused for the reasons as detailed in section 8 of the report.

Councillor Bassenger opened the discussion in support of the application. A lengthy debated ensued where the majority of Members supported the application noting it was a source of employment, provided a hub for the community and was well managed. It was acknowledged that ambient noise in the countryside could cause harm to the amenity of neighbours, especially in the summer when outside space was in use. However, it was also noted that the applicant had undertaken various sound level testing and measures had been put in place to reduce noise nuisance by keeping doors and windows closed and using air conditioning, together with screens to reduce noise when doors were opened to access the outside.

The issue of noise nuisance from public vacating the premises during the proposed opening hours was also discussed and it was suggested that, in line with advice from Environmental Health, opening times could be curtailed by conditions to mitigate these problems. Planning Officers advised that Members consider conditions that protected the amenity of adjoining residents in perpetuity. The Lead Specialist Place advised that, given there was real potential for harm to residential amenity in the district, the proposed opening times be amended to an earlier closing as time noise travels much further in the open countryside.

Councillor Bassenger, taking all the aforementioned into consideration, proposed that the application be approved contrary to the officer's recommendation. This was seconded by Councillor Helm.

The Chairman then put the Officer's recommendation of refusal to the Committee. Upon a vote being taken it was lost.

The Chairman, referring to Councillor Bassenger's duly seconded proposal to approve the application, called for reasons for approval. Councillor Bassenger said the reason the application should be approved was that the applicants had sufficiently mitigated against any noise impact resulting from the development and therefore the proposal would not result in undue harm to the amenity of neighbouring occupiers.

It was noted that due to the complexity of the conditions and the need to address the advice put forward by Environmental Health in the Officer's report the conditions be delegated to Officers in consultation with the Chairman.

The Chairman then put Councillor Bassenger's proposal to approve the application for the aforementioned reason to the Committee. Upon a vote being taken it was carried.

RESOLVED that the application be **APPROVED** with conditions delegated to Officers in consultation with the Chairman.

Councillor A L Hull left the meeting at this point and did not return.

265. 20/01166/FUL - LAND SOUTH OF CHARWOOD AND EAST OF ORCHARD HOUSE, STONEY HILLS, BURNHAM-ON-CROUCH

Application Number	20/01166/FUL
Location	Land South Of Charwood and East of Orchard House, Stoney Hills, Burnham-On-Crouch
Proposal	Construct cul-de-sac road with turning head and vehicular and pedestrian access off Stoney Hills, erect one detached bungalow and garage, lay out parking spaces and garden
Applicant	Mr Burrows - Virium Technology Limited
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	22.02.2021
Case Officer	Louise Staplehurst
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	<p>Departure from the Local Plan 2017</p> <p>Member call in by Councillor Vanessa J Bell</p> <p>Reason: The proposed dwelling, as a result of its style, design and bulk, would result in a contrived and dominant development which would cause significant and undue harm to the character and the surrounding area. The proposal is contrary to policies S1, S2, D1 and H4 of the LDP. MDC has it's 5-year plus land supply. Overlooking loss of privacy to immediate property.</p> <p>This is an overdevelopment of the site having 53 houses already being approved on Stoney Hills, outside the NDP & LDP allocations. It is outside the development boundary.</p> <p>No difference to previous application.</p>

It was noted that a Members' Update had been circulated that detailed further objections to the application. Following the Officer's presentation, the Agent, Mr Rowe, and the Applicant, Mrs Yates addressed the Committee.

The Chairman then moved the Officer's recommendation that planning application 20/01166/FUL, Land South of Charwood and East of Orchard House, Stoney Hills, Burnham-on-Crouch be approved subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex Coast RAMS and the conditions as detailed in Section 8 of the report. This was seconded by Councillor Helm.

Councillor Bell, having called in the application opened the debate by stating her objections. She said that the development represented serious loss of amenity and loss of privacy due to the proximity to Orchard House. She added that this was a clear case of over development, it did not meet the requirements of the Essex Design Guide and was not an acceptable development given the residents of Orchard House could no longer use certain areas of their home due to loss of privacy..

Councillor Channer sought clarification on the height of the new building and felt that 5.7 metres in relation to the boundary was quite high and a cause for concern. She had grave concerns around the design, orientation and proximity of the development which would cause demonstrable harm to the living conditions of the residents of Orchard House.

The Lead Specialist Place advised that design was subjective and a difficult position to take as a council. He said that as the development was for a bungalow it should not overlook the neighbouring property, that every application influenced someone and that Members, as decision-makers, needed to take into account material considerations..

The Chairman then put the Officer's recommendation of approval to the Committee. As a result of there being an equality of votes the Chairman used his casting vote and the Officer's recommendation was lost.

Councillor Bell proposed that the development be refused for the reason that the style, design and bulk would result in a contrived development that would cause significant harm to the amenity of neighbours and contravened policies S1,S2,D1 and H4 of the Local Development Plan. She clarified that she had taken these reasons from the agenda papers and that Burnham Town Council had refused the application for the same reasons. This was seconded by Councillor Bassenger and Councillor Channer added that the application would cause demonstrable harm to amenities and living conditions of Orchard House.

The Chairman put Councillor Bell's proposal to refuse the application to the committee. Upon a vote being taken the application was refused.

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

1. The proposed development, due to its style, design and bulk would result in a dominant and contrived development which would result in undue harm to the character and appearance of the surrounding area and the amenity of neighbouring sites, contrary to policies S1, S2, D1, H4 of the Maldon District Local Development Plan.
2. It is considered that the development would result in demonstrable harm to the residential amenity of the occupiers of the neighbouring dwelling to the west,

Orchard House, contrary to policies D1 and H4 of the Maldon District Local Development Plan.

266. 20/01188/FUL - STEEPLE BAY HOLIDAY PARK, CANNEY ROAD, STEEPLE

Application Number	20/01188/FUL
Location	Steeple Bay Holiday Park, Canney Road, Steeple
Proposal	Variation of condition 4 of approved planning permission FUL/MAL/18/00465 (Change of use of land to allow the occupation of holiday caravans between the 1st March and the 30th November (inclusive) in each year (resubmission of 17/01364/FUL) to allow occupation between 1st December 2020 and the end of February 2021.
Applicant	Park Holidays UK Ltd
Agent	Mr Ian Butter BSc FRICS MRTPI
Target Decision Date	05.03.2021
Case Officer	Julia Sargeant
Parish	STEEPLE
Reason for Referral to the Committee / Council	Major Application

It was noted that in accordance with the Members' Update circulated prior to the meeting that this application had been withdrawn by the Agent.

There being no further items of business the Chairman closed the meeting at 7.31 pm.

N J SKEENS
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 MARCH 2021**

Application Number	20/01163/FUL
Location	Orchard Cottage, 36 Mountview Crescent, St Lawrence
Proposal	Demolition of existing bungalow and construction of 2 new dwellings.
Agent	Mr Dean McLeod - Mill Architecture
Target Decision Date	19.03.2021
Case Officer	Hayleigh Parker-Haines
Parish	ST LAWRENCE
Reason for Referral to the Committee / Council	Member Call In by Councillor Channer Reason: D1, D5, S1, S8 and H4.

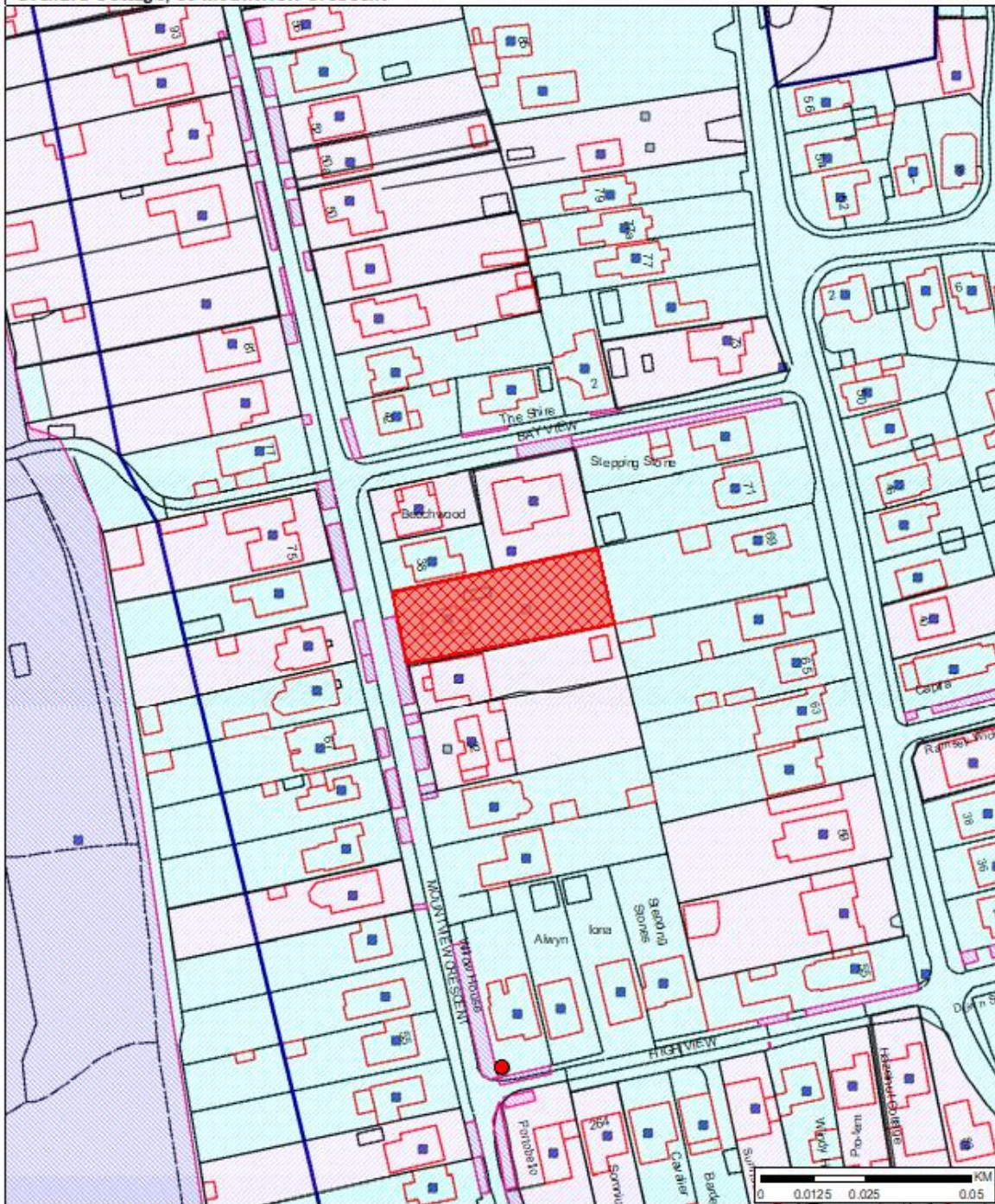
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

20/01163/FUL
Orchard Cottage, 36 Mountview Crescent



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 15/02/2021

MSA Number: 100018588

3. SUMMARY

3.1 The Site

3.1.1 The application site is located within a residential setting within the settlement boundary of St Lawrence. The site currently occupies a chalet bungalow, driveway, detached garage and associated private amenity space. The site fronts onto Mountview Crescent and is surrounded on all sides by residential development. The dwellings within the vicinity of the site are an eclectic mix in terms of design and appearance.

3.1.2 An Article 4 Direction is in force upon the grass verge along the front of the application site

3.2 Proposal / brief overview, including any relevant background information

3.2.1 Planning permission is sought to demolish the existing chalet bungalow, sub-divide the plot and construct two bungalows, each dwelling would have its own access, plot 1 would have an access width of 4.5 metres and plot 2 would have an access width of 4.3 metres, with approximately 8 metres of verge being retained between these accesses.

3.2.2 The existing bungalow has a maximum height of 5.4 metres with an eaves height of 3.1 metres, a maximum depth of 12.6 metres and a width of 7.9 metres.

3.2.3 Plot 1 would occupy a three bedroom chalet style bungalow with a gable front projection. The proposed bungalow would have a maximum height of 5.8 metres with a maximum eaves height of 3.9 metres, it is proposed to have a catslide roof form to the rear which has an eaves height of 2.4 metres, a width of 6 metres and a maximum depth of 10 metres. This would also include a covered porch to the front and two dormer windows to the rear roof slope. These would have a height of 2.5 metres, a width of 2metres and a depth of 3 metres. There would be one first floor window on the southern elevation serving the landing and one first floor window on the northern side elevation which is proposed to be obscure glazed and serve a bathroom

3.2.4 This dwelling would be finished in white render to the ground floor of the front and rear elevations with light grey cladding to the first floor and white render to the side elevations and plain red roof tiles, with white uPVC windows. At ground floor there would be an open plan kitchen/diner, lounge, office, WC and hallway. At first floor there would be three bedrooms and a family bathroom

3.2.5 Plot 2 would occupy a two bedroom chalet style bungalow with a single storey projection to the rear. The proposed dwelling would have a maximum height of 5.2 metres with an eaves height of 2.26 metres, a width of 6 metres and a depth of 10 metres. The single storey rear projection would have a height of 2.7 metres, a width of 4 metres and a depth of 3 metres. This would include an open pitch roofed porch to the front with a height of 2.98 metres a width of 2 metres and a depth of 0.5 metres, two pitched roof dormers to the front with a height of 2 metres, a width of 1.7 metres and a depth of 2.5 metres, a flat roof dormer to the rear which would have a height of 2.3 metres, a width of 5.5 metres and a depth of 2.9 metres. There would be one first

floor window to the northern side elevation which is proposed to be obscure glazed and would serve the landing.

3.2.6 The dwelling would have a brick plinth with grey cladding, white uPVC windows and natural slate roofing. At ground floor there would be a hallway, office, lounge and open plan kitchen/diner and WC. At first floor there would be two bedrooms, and a family bathroom.

3.2.7 The proposed development is a re-submission of the previously refused application 20/00470/FUL. This application was refused for the following reasons:

1. *The proposed development, by reason of its design and scale, together with the narrow plot widths would result in an inappropriate visual relationship with its immediate neighbours resulting in demonstrable visual harm to the surrounding area. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*
2. *The proposed dwellings, due to their height, depth and proximity to the boundary of the site would be an unneighbourly form of development which would have an overbearing and dominating impact on the neighbouring occupiers to the north and south to the detriment of their amenities , and, in the case of (No.38 Mountview Crescent some loss of sunlight, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*
3. *The proposed dwelling at plot 1, due to the position and proximity of the lounge window on the southern elevation to the northern flank wall of the proposed dwelling on Plot 2, would experience poor outlook and restricted internal light levels. Due to the height and scale of the latter. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework*
4. *The proposed development, creating two three bedroom dwellings, will result in the available level of on-site car parking provision afforded to Plot 2 being unacceptable, which is likely to result in on-street parking to the detriment of pedestrian and highway safety and the free flow of traffic within the cul-de-sac, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework*
5. *In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the development would have an adverse impact on those European designated nature conservation sites, contrary to policy II of the Maldon District Local Development Plan and the NPPF.*

3.2.8 The following amendments have been made:

Plot 1:

- The height of the proposed dwelling has decreased by 0.89 metres, the width has decreased by 0.9 metres and the overall depth has decreased by 2 metres.
- The internal configuration has been amended, there is now a WC at ground floor and no cloak room, and no ensuite at first floor. The first floor window to the southern elevation would now serve the landing rather than a bathroom and is not proposed to be obscure glazed.

Plot 2:

- Like Plot 1 the internal configuration has altered; there is no longer a bedroom proposed at ground floor, there is now a WC at ground floor and no cloak room and no ensuite at first floor.
- The height of the dwelling has been reduced by 0.37 metres, the width has decreased by 0.9 metres and the overall depth has reduced by 2.5 metres.
- The height of the proposed porch has been reduced by 0.3 metres and the width of the flat roofed rear dormer has been reduced by 0.65 metres and the depth by 0.1 metres

3.2.9 During the lifetime of the application, amended plans were received, to seek to address concerns on the neighbouring amenity of the occupiers to the south. The amended plans now show the single storey rear projection of Plot 2 being to the northern end of the dwelling rather than the southern end of the rear elevation.

3.3 Conclusion

3.3.1 The proposed development, due to the reduction in the scale of the proposed dwellings and the sympathetic design is considered, on balance, to have an acceptable impact on the character and appearance of the surrounding area. Furthermore, due to the internal configurations of the dwellings, the reduction in height, and the relocation of the rear projection to plot 2, it is no longer considered that the proposed development would have an overbearing impact or result in an unacceptable loss of light to the neighbouring occupiers or future occupants of the proposed dwellings. It is therefore considered that, on balance, the proposed development would be acceptable and in accordance with the National Planning Policy Framework (NPPF) and policies D1, H4, T2 and I1 of the Maldon District Local Development Plan (MDLDP).

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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide (MDDG) (SPD)
- Maldon District Vehicle Parking Standards (VPS) (SPD)

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 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Local Development Plan (LDP).
- 5.1.2 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:

“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 - 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)

- 5.1.4 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 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)
- 5.1.5 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’.
- 5.1.6 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.
- 5.1.7 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 reiterates 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 is obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.8 Paragraph 78 of the NPPF states that:

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

- 5.1.9 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. The proposal is for the demolition of an existing chalet bungalow and replacement with two bungalows. As stated within the preceding section of this report, the site benefits from extensive site history, whereby the principle for two dwellings on this site has previously been accepted. Furthermore, the proposed dwellings would be located within the settlement boundary of St Lawrence and it is therefore, considered that the principle of residential accommodation on this site is acceptable subject to compliance with other appropriate policies below. Other material planning considerations are assessed below.

5.2 Housing Need

- 5.2.1 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 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide one three bedroom dwelling and one two bedroom dwelling and such a

limited provision of dwellings would make a negligible contribution to the District's Housing supply. However, as one smaller unit is proposed; this would weigh in favour of the proposed development and would contribute towards the social strand of sustainability within the NPPF, although overall this is considered to be of a limited benefit.

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 in creating better places to live 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;

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 The surrounding area is residential in nature, made up of ribbon development fronting the highway. The development within the surrounding area is mainly bungalows and chalet style dwellings with rooms within the roof space. There is no uniformity to the streetscene in terms of the scale, architectural styles, design or materials of the existing dwellings, resulting in an eclectic mix of properties within the immediate vicinity. The existing chalet bungalow on the application site is considered to be of limited architectural merit. It is one of the smallest dwellings within the surrounding area and is sited centrally within its plot, which is one of the largest plots within this part of Mountview Crescent, in terms of width.

- 5.3.6 The existing plot is around 18m wide, it would be divided to form two plots, both with a frontage of 9m. The frontages of the plots within the surrounding area range from around 11.9m-18.6m. Therefore, the subdivision of the existing site would result in the two parcels forming the narrowest plots within the surrounding area. Given the 2.9m difference of the proposed 9m frontages and the existing smallest frontage along this part of 'Mountview Crescent' (11.9m). However, the proposed dwellings due to their reduction in width are considered to be commensurate to the widths of the plots; maintaining at least 1.46 metres separation from each boundary, which is reflective of the surrounding area. Therefore, it is considered that, on balance, the proposed development would no longer appear cramped when viewed within the streetscene and the first previous reason for refusal has therefore been overcome.
- 5.3.7 Both dwellings feature pitched roof dormer windows, and different materials which are considered to be reflective of the eclectic mix of properties within the vicinity of the site. Due to the differing designs of the proposed dwellings it is considered that the proposed developments would not be incongruous within the streetscene and would make a neutral contribution to the character and appearance of the surrounding area.
- 5.3.8 The proposed separate accesses for each property enable the majority of the grass verge, which is protected by an Article 4 Direction, to be retained, to ensure that this area of soft landscaping is retained in keeping with the other protected verges along Mountview Crescent. Whilst it would result in a minor loss of the protected verge it is not considered that this would have a detrimental impact on the character and appearance of the site or the surrounding area.
- 5.3.9 The proposed dwellings would be constructed of white render, light grey cladding, red plain tiles, red brick plinth and natural slate roofing tiles. All these materials can be found within the surrounding area and therefore, it is not considered that there are any concerns with the proposed external materials of the dwellings.
- 5.3.10 Taking into account, the above assessment, it is considered that due to the reduction in width and depth of the proposed dwellings, enabling the plots to be more reflective of those within the streetscene, the proposed development, on balance, would no longer represent a cramped form of development. Therefore it is not considered that the proposed development would result in demonstrable harm to the character and appearance of the site and the locality, in accordance with policies D1 and H4 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The application site has four adjoining neighbouring dwellings; 'Marley' is located immediately to the north of the dwelling on site, 'Beechwood' also abuts the northern boundary of the site (to the east of Marley), 'Green Roof, 69, Main Road' is located to the rear of the site (to the east) and '34, Mountview Crescent' is located to the south of the site.

- 5.4.3 The proposed development at Plot 1 would sit a minimum of 1.5 metres from the neighbouring property Marley and would not project further than the neighbouring property's rear elevation and is therefore not considered to have an overbearing impact on the rear amenity space of this neighbouring property. It is noted that the proposed development would result in a minor loss of light to the windows within the southern side elevation of this neighbouring property but is not considered that the impact would be so detrimental as to warrant a reason for refusal. Furthermore, due to the reduction in height of the proposed dwelling under this application to be more in line with that proposed under application 19/01297/FUL it is no longer considered that the proposed dwelling would have an overbearing impact on this neighbouring property to an unacceptable degree.
- 5.4.4 The proposed development at Plot 1 would sit over 20 metres from the neighbouring property Beechwood. Due to this degree of separation and the orientation of the dwellinghouses in relation to each other, it is not considered that the proposed development would represent an unneighbourly form of development in relation to this neighbouring property
- 5.4.5 The proposed development would sit over 30 metres from the shared boundary with Green Roof, 69 Main Road. Due to this significant degree of separation it is not considered that the proposed development would represent an unneighbourly form of development in relation to this neighbouring property.
- 5.4.6 The proposed development at Plot 2 would sit a minimum of 1.5 metres from 34 Mountview Crescent, with single storey rear projection being located to the northern end of the proposed dwelling and no longer projecting beyond the rear elevation of this neighbouring property. It is not considered that the proposed development would have an overbearing impact on the neighbouring rear amenity space. There are two windows to the northern elevation of the neighbouring property which face the application site. Further information has been provided as part of this application to advise that the smaller window serves a bathroom and is therefore, not a window serving a habitable room and is not of great concern. The larger three paned window serves a habitable room (bedroom) however, due to the relocation of the rear projection, it is not considered that the proposed development would result in an unacceptable loss of light to these windows to the detriment of the neighbouring occupiers. Furthermore, due to the decrease in height and depth of the proposed dwelling at plot two it is no longer considered that the proposed dwelling would have an unacceptable overbearing impact on these neighbouring occupiers. Therefore, it is considered that the previous reason for refusal (2) has been overcome by the proposal.
- 5.4.7 Furthermore, due to the internal configurations of the dwellings; with no ground floor or first floor windows to the northern and southern side elevations of the dwellings serving habitable rooms; it is no longer considered that there would be an unacceptable impact on amenity of the future occupiers of the proposed dwellings and therefore it is considered that the third reason for refusal has been overcome.
- 5.4.8 In terms of overlooking, there are windows located in the side elevations of the proposed dwellings, which could potentially have a direct view into the windows of the neighbouring properties at No. 34 and 38. However, as these windows would serve a landing (Plot 1) and a bathroom (Plot 2); these are not habitable rooms and

therefore, it is considered that a condition to ensure that these windows are obscure glazed and of a non-openable design could be imposed to overcome any concerns in relation to overlooking.

- 5.4.9 For the reasons outlined above, it is considered that the proposal would not have such an adverse impact on the amenity of the neighbouring occupants in relation to overlooking. Furthermore, due to the reduction in the width and height of the proposed dwellings, offering a greater degree of separation to the shared boundary with No.34 and No.38 Mountview Crescent, it is no longer considered that the proposed developments would have an unacceptable overbearing impact on these neighbouring occupiers or that they would result in an unacceptable loss of light to windows considered to serve habitable rooms of these neighbouring properties. Furthermore, due to the internal reconfigurations of the proposed dwellings, it is no longer considered that the proposed development would result in unacceptable living conditions of current and future occupiers in relation to Plot 1 and therefore, is contrary to policy D1 of the LDP and the guidance contained within the MDDG.

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 The proposed development would result in a two bedroom dwellinghouse. The minimum parking provision required is two spaces. It is shown on the block plan provided that there are to be two 5.5 metre by 2.9 metre vehicle parking spaces to the north of the dwellinghouse. Which are in line with the minimum required sizes within the SPD. Therefore, there are no concerns in relation to parking. Furthermore, it is proposed to include a storage area for bicycles.
- 5.5.3 Plot 1 would accommodate a three bedroom dwelling and therefore the minimum parking provision required is two spaces. The block plan shows that there would be an area of hardstanding to the front of each dwelling. Plot 1 is considered to have sufficient space to accommodate parking provision of two vehicles. Plot 2 would accommodate two bedrooms and therefore, the minimum parking provision required is two spaces. The area of hardstanding would be 2.94 metres by 9.2 metres. The Vehicle Parking Standards Supplementary Planning Document (VPS SPD) states the minimum requirement for a parking bay is 2.9 metres x 5.5 metres and therefore there is a minor shortfall of sufficient hardstanding to the front of this dwelling to accommodate the parking provision of two vehicles as per the SPD. However, it is considered that sufficient space would be provided to accommodate two reasonably sized vehicles. Therefore, taking into account the above assessment, alongside the Council's inability to demonstrate a 5YHLS, in this instance, it is not considered that the minor shortfall in parking provision would have such a detrimental impact on vehicle parking as to warrant the refusal of this application.

- 5.5.4 The existing access to the northern end of the site is to be retained and would serve Plot 1, with an additional access to be created to serve Plot 2, this would be to the southern end of the site. At the time of writing this report a response from the Highways Authority had not been received. However, they were consulted as part of the previous application (20/00470/FUL) and did not object to the proposal subject to conditions, as no changes are proposed to the access, it is considered that their response would be the same for this application. However, due to the minor nature of the scheme it is not considered reasonable or necessary to include the condition in relation to the supplying and distributing of a residential travel information pack. Therefore, there are no concerns in respect of access to the site and highway safety in accordance with policies D1 and T2 of the approved LDP. Reason 4 of the previous reason for refusal has therefore been overcome.

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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.6.2 The recommended garden size for a three or more bedroom dwelling is 100sqm. The proposed amenity area to the rear of each dwelling would measure 300sqm which is in excess of the recommended standard. Therefore, it is considered acceptable and no concerns are raised in this respect.
- 5.6.3 Limited information in regard to the proposed landscaping of the site has been provided as part of this application. However, it is considered that this information could be secured by condition should the application be approved.

5.7 Planning Balance and Sustainability

- 5.7.1 One of the key priorities within the NPPF 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.
- 5.7.2 Notwithstanding, and as noted at 5.1.7 above, the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making and case law (noted in preceding paragraphs), confirms that other policies in the plan are still relevant for decision making purposes where they are applicable to the proposal under consideration.
- 5.7.3 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.
- 5.7.4 With regard to the 3 tests of sustainability, in economic terms, there would be little support for local trade as the proposal only relates to the construction of two

dwellings. Whilst the occupiers of the proposed dwellings would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be minor given the number of dwellings proposed. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area

- 5.7.5 In social terms the development should assist in supporting a strong, vibrant and healthy community. Whilst the proposed dwellings would be located within a defined settlement boundary; it is still considered that residents would be required to travel further afield for day to day facilities and amenities. As such, the site is considered relatively remote from services needed for day to day living and any future occupiers of the site would be reliant on the use of private vehicles to access everyday facilities. Furthermore, due to the limited number of dwellings proposed the social benefits are considered to be of a minimum.
- 5.7.6 In environmental terms, as stated in section 5.3 of this report, it is considered that the development of the site, on balance, would be acceptable in terms of its impact on the character and appearance of the surrounding area. It is considered that this would be considered as a minimal benefit to the scheme.
- 5.7.7 Taking into account the above assessment, and the previous history of the site, it is considered that the principle of providing two dwellings on site despite the poor social and economics of the development and the neutral impact in relation to environmental sustainability. Due to this, it is considered that the provision of two dwellings in this location is acceptable

5.8 Ecology regarding development within the Zone of Influence (ZoI) for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

- 5.8.1 Paragraph 170 of the NPPF states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.*'
- 5.8.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.8.3 In terms of off-site impacts, Natural England (NE) have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. NE

advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.8.4 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the HRA. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.8.5 NE anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the HRA, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.7 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE’s general advice is that a HRA should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.8.8 To accord with NE’s requirements, an Essex Coast RAMS 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, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

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

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

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

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

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £244.60 is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

- 5.8.9 It is noted that the Applicant has provided a Unilateral Undertaking to secure this payment, which is considered to be acceptable, and therefore, the impact of the proposal could be mitigated and reason 5 of the previous reason for refusal on 20/00470/FUL has also been overcome.

6. ANY RELEVANT SITE HISTORY

- **02/00740/FUL** – Single storey side extension. - Approved
- **19/01297/FUL** - Demolition of existing bungalow and construction of 2 new bungalows – Refused
- **20/00470/FUL** - Demolition of existing bungalow and construction of 2 new bungalows (amendments to refused application 19/01297/FUL) - Refused

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	The Parish Council objects to the proposal as it would represent the over-development of the site. Would be out of proportion with the streetscene of adjoining bungalows.	Comments noted and discussed in section 5.3 of this report
	Insufficient parking proposed – a typical 2 & 3 bedroom property in St Lawrence has two+ cars and a works van parked outside	Comments noted and discussed in section 5.5 of this report. However, the assessment is made against the adopted SPD, which does not isolate provision on a village/town basis.
	Grass verges must be protected	Comments noted and discussed in section 5.3.

7.2 External Consultees

Name of External Consultee	Comment	Officer Response
Essex Country Council Highways	No response at the time of writing this report	N/A

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to the inclusion of 3 conditions should the application be approved. One is in relation to a construction method statement	Comments noted. However, it is not considered reasonable to include the condition in relation to a construction method statement in this instance.

7.4 Representations received from Interested Parties

7.4.1 Representations objecting to the application:

Two Letters **objecting** to the proposal have been received.

Objecting Comment	Officer Response
The location and size of the plot is not adequate to accommodate two separate dwellings visually and practically	Comments noted and discussed in section 5.3 of this report
Vehicle access, movements and parking are not sustainable both from an ecological point of view together with inadequate parking provision	Comments noted and discussed in section 5.5 of this report
The design is mediocre	Comments noted and discussed in section 5.3 of this report
Concerns regarding construction traffic	Comments noted. This is not a material planning consideration of great weight due to the temporary nature of the works
The current residents are only doing this to maximise profit, they do not need two dwellings	This is not a material planning consideration

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) The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MA-1006-01, MA-1006A-02B, MA-1006A-03, MA-1006A-04A and MA-1006A-05A

REASON To ensure that the development is carried out in accordance with the details as approved.

3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4. Prior to the occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Hard surfacing materials;
- iii. Planting details.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development unless otherwise 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, 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.

The hard landscape works shall be carried out as approved prior to the first use/occupation of the development hereby approved and retained and maintained as such thereafter.

REASON In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

5. 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 1l/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 incorporation of an appropriate surface water drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

6. No development works above ground level shall occur until details of the foul 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.

REASON To ensure the incorporation of an appropriate foul water drainage scheme in accordance with policy D2 of Maldon District Local Development Plan.

7. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

8. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the dwelling hereby permitted without planning permission having been obtained from the local planning authority.

REASON In the interests of local amenity in accordance with the requirements of policies D1 and H4 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

9. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway

REASON In the interest of pedestrian and highway safety during construction works, in accordance with policy T2 of the LDP

10. The hardstanding proposed to the front of each dwelling as shown on plan MA-1006A-05A, shall be used solely for parking and shall be retained as such in perpetuity.

REASON To ensure sufficient on site parking provision is provided in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

INFORMATIVES

1. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. 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.
3. 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.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 MARCH 2021**

Application Number	20/01238/FUL
Location	Barn at Little Acre, Scotts Hill, Southminster
Proposal	Conversion of an agricultural barn into one 3 bedroom residential unit. New openings, addition of rooflights, solar panels and air source heat pump. Removal of existing lean to building and asbestos roofing and cladding.
Applicant	Mr & Mrs Day
Agent	Stanley Bragg Architects Limited
Target Decision Date	19.03.2021
Case Officer	Louise Staplehurst
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Departure from Local Plan

1. RECOMMENDATION

SUBJECT TO COMPLETION OF S106 AGREEMENT APPROVE with
conditions (as detailed in Section 9 of this report).

2. SITE MAP

Please see below.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located outside of any defined settlement boundary, to the west of Southminster, in a rural location with open countryside surrounding. The site lies to the north of Scotts Hill, one of the main roads out of the village of Southminster. The barn to which this application relates is located approximately 120m north of the highway, to the rear of Little Acre and within an existing potato farm. Access to the barn from Scotts Hill is taken via a private road.
- 3.1.2 Planning permission is sought to convert the barn into one 3-bedroom dwelling, with new openings, rooflights, solar panels and an air source heat pump. The existing lean to will be removed, as would the asbestos roofing and cladding.
- 3.1.3 Internally, at ground floor level the building would comprise a playroom, lounge, toilet, utility room and kitchen/dining/sitting area. The southern part of the building would be converted into a double garage with storage above. At first floor level, there would be three bedrooms, one with an en-suite and dressing room and a bathroom.
- 3.1.4 A lean to extension would be removed from the side of the building to facilitate the development. The resultant dwelling would therefore measure 27.8 metres wide, 9.6 metres deep and 5.9 metres high overall with an eaves height of 4 metres.
- 3.1.5 For the proposed conversion of the building to one dwelling a number of external alterations are proposed. The alterations are:
- West elevation – 7 rooflights , 3 windows and 4 glazed doorways.
 - South elevation – removal of 1 window and addition of 2 windows
 - North elevation – replacement of entrance with glazing and doors and windows
 - East elevation – 5 rooflights, solar panels, insertion of 2 garage doors, existing opening infilled and glazing and doorway added
 - Materials – grey/black vertical cladding, render plinth, grey/black roofing sheets, solar panels, grey aluminium windows and doors
- 3.1.6 The block plan shows that amenity space would be provided to the west of the proposed dwelling.
- 3.1.7 The application site benefits from consent for the conversion of the barn into 2 dwellings under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) reference 17/00977/COUPA. This application is different in nature to the development approved under the previous application as it relates to one dwelling rather than two.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the previous permission and in this instance the provision of residential accommodation on the site has been accepted via the prior approval

process and whilst this is not formal planning permission it does represent a viable fall-back position. Taking in to account the above it is considered that development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. No objection is raised in relation to the impact of the development on residential amenity or the parking provision. Therefore, subject to appropriate conditions, the development is considered on balance, acceptable and in accordance with the aims of 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
- 54-57 Planning conditions and obligations
- 59-79 Delivering a sufficient supply of homes
- 117-118 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
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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 Maldon District Local Development Plan (MDLDP). The previous planning history of a site is a material planning consideration and for that reason is pertinent to be considered as part of the assessment of the proposal.

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 is set out in paragraph 11d of the NPPF which states:

“For decision taking this means:

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

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

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

5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces local plan policies that do not comply with the requirements of the NPPF.

5.1.5 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’.

5.1.6 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.

5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The local development plan through policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability within the current local plan. Policy S1 allows for new development within the defined development boundaries, however, the Council cannot demonstrate an up to date five year supply of deliverable housing. Therefore,

on this basis, sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF.

5.1.8 Paragraph 78 of the NPPF states that:

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

5.1.9 The application site is located beyond the defined settlement boundary of Southminster which is defined as a larger village having a range of services and facilities including a train station and bus service with links between Burnham, Chelmsford and London. The site is within walking distance from these services, however the future occupiers of the site would have to walk along Scotts Hill where there is no footpath or street lights and therefore it is not considered that the site is within an accessible location. It is therefore not considered to be attractive to pedestrians and due to this the accessibility of the site is limited. Therefore, it is not considered that the accessibility of the site weighs in favour of the development.

5.1.10 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to two dwellings (17/00977/COUPA). The assessment of a prior approval application is materially different to that of a full planning application and it cannot be automatically assumed that because an application is granted under a separate method of Development Management that planning permission will be granted. However, the fall-back position is a material consideration and the weight attributed should reflect the circumstances of the individual application.

5.1.11 The previous permission can still be implemented and there is nothing before the Council that would evidence that if the current application was to be refused that the prior approval application would not be undertaken. Taking into account the above, in this instance, the fall-back position is a material consideration in the determination of this application of significant weight.

5.1.12 Whilst the site is located in an inaccessible location due to its separation from Southminster and the lack of a suitable pedestrian access to local bus stops, where in normal circumstances the Council would look to resist additional residential development there is a need to be conscious of site-specific material considerations weighing in favour of the proposal. Therefore, taking in to account the existing permission for 2 dwellings on the site, the high likelihood that if planning permission were to be refused and that the permission allowed by the 17/00977/COUPA would be implemented, it is considered that no objection is raised to the principle of granting planning permission on the site.

5.1.13 Other considerations that need to be taken into the balance are discussed below. Based on the above, it is considered, on balance, that a dwelling in this location is acceptable.

5.2 Housing Land Supply and Need

- 5.2.1 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 Local Development Plan (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 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide one three-bedroom property. Taking into account, the Council's current position, the proposal would make a contribution to improving the Council's housing stock. However the benefits would be minimal given the proposal is for one dwelling.

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;
- 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 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.
- 5.3.6 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. These 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.
- 5.3.7 The site is located on the western side of the settlement of Southminster. When travelling west from Southminster, the area becomes more rural and therefore the application site is surrounded by open fields and located within a rural area, where there is sporadic residential development. The proposed dwelling would be located over 570 metres from Scotts Hill. Due to the significant degree of separation between the dwelling and Scotts Hill, there would be limited views of the dwelling from the streetscene. The main alterations to convert the barn into a dwelling relate to fenestration alterations, as well as the removal of the lean-to extension and therefore it is not considered that the proposal would result in detrimental harm to the character and appearance of the countryside.
- 5.3.8 It is noted that the development would result in the existing building having a more domestic appearance and also inherently result in the intrusion of domestic paraphernalia into what is considered countryside and resulting in the urbanisation of the site to the detriment of the countryside. However, it is considered that the fall-back position from the 17/ 00977/COUPA application would broadly result in a similar level of domestication of the site, if not more as it would have resulted in two

dwellings, and therefore, this is not considered to justify the refusal of this application.

- 5.3.9 Taking into account the above assessment, it is considered, that on balance, the proposed development would not have an unduly detrimental impact on the character and appearance of the site or surrounding area.

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 closest neighbouring dwelling is Little Acre, which is located over 200 metres to the south. Due to this separation distance, it is not considered that the conversion of the barn would result in harm to this neighbouring dwelling by way of a loss of light or loss of privacy. There are no other nearby neighbouring dwellings to the site.
- 5.4.3 Environmental Health were consulted in relation to this application and have not raised any concerns in relation to noise disturbances on current and future occupiers of the proposed dwelling from the nearby farm to the east of the site. Therefore, it is not considered that the development would 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 The proposed development would utilise the existing access from Scotts Hill and therefore, there are no concerns in relation to highway safety.
- 5.5.3 The proposal involves the conversion of part of the building into a double garage, which would have internal measurements of 8.7 metres in depth and 8 metres in width. As the proposed dwelling would have 3 bedrooms, 2 parking spaces are required. The garage would accord with the adopted parking standards and would be of sufficient size to accommodate 2 cars. Therefore, there are no concerns in relation to parking.

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 SPD advises a suitable garden size for each type of

dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.

- 5.6.2 The proposed development would result in the creation of a three bedroom dwelling. The proposed dwelling would benefit from a spacious amenity space (270m²) to the west of the proposed dwelling. This is in excess of the 100m² as required by the standards and therefore the proposal is in compliance with Policy D1 of the LDP.
- 5.6.3 No information in relation to the proposed boundary treatments or the landscaping has been provided as part of this application. However, it is considered that this information could be secured via condition should the application be approved.

5.7 European Designated Sites

- 5.7.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more (Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA/Ramsar site and Dengie SPA and Ramsar site) of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (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 (ZoI) 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 Coastal RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. At this time a signed S106 agreement has not been provided to the Council. However, this could be sought subject to the recommendation of approval being agreed by the Planning Committee and prior to the decision being issued.

5.8 Tilted Balance and sustainability

- 5.8.1 One of the key priorities within the NPPF 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.
- 5.8.2 In relation to environmental sustainability, it is considered that the development of the site would result in the inevitable domestication of the site, which is not normally supported within the Countryside. It is considered that due to the existing built form on site, and that this would be reduced due to the removal of an existing lean-to structure, weighs in favour of the proposed development, as does, and more significantly, the fall-back position from the granted prior approval application, which would result in the inherent domestication of the site. The fall-back position would also allow for two dwellings in an unsustainable location which would be worse than the current proposal for one dwelling. Therefore, it is considered that the granting of this planning application would have a neutral impact in relation to environmental sustainability.
- 5.8.3 In economic terms, there would be little support for local trade as the proposal only relates to minor works to provide one dwelling. Whilst the occupiers of the dwelling would bring some economic benefits to Southminster, which may provide some support to existing services, it is considered that the benefits would be minor given that only one dwelling is proposed. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.8.4 In social terms, development should assist in supporting a strong, vibrant and healthy community. Whilst Southminster has a good range of services and public transport facilities, due to the lack of a suitable footpath, any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP.
- 5.8.5 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to a dwelling (17/00977/COUPA). This is therefore, a material consideration in the determination of this application, which carries significant weight, particularly given that this previously approved application would allow for two dwellings on the site. It is therefore considered that despite the social and economics of the development and the neutral impact in relation to environmental sustainability, this fall-back position weighs heavily in favour of the

proposed development. Due to this, it is considered that the provision of one dwelling in this location is acceptable.

6. PRE-COMMENCEMENT CONDITIONS

- 6.1 One pre-commencement condition is proposed regarding the submission of a construction method statement. Agreement for this condition has been sought from the Agent. An update in this respect will be provided in the Members' Update.

7. ANY RELEVANT SITE HISTORY

- **17/00339/COUPA** - Notification for prior approval for a proposed change of use of Agricultural Building to two Dwellinghouses (Class C3), and for associated operational development. – Refused
- **17/00977/COUPA** - Notification for prior approval for a proposed change of use of agricultural building to two dwellinghouses (Class C3), and for associated operational development. – refused – appeal allowed

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Support	Comments noted

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response at the time of writing	Comments noted

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to the inclusion of conditions should the application be approved.	Comments noted

8.4 Representations received from Interested Parties

No letters of representation have been received

9. **SUBJECT TO THE COMPLETION OF A S.106 AGREEMENT REGARDING RAMS CONTRIBUTION PERMISSION TO BE GRANTED WITH THE 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: 6774-1602-A, 6774-1401-A, 6774-1302-C, 6774-1301-B, 6774-A-1205-E, 6774-A-1204-E, 6774-A-1203-E, 6774-A-1202-B, 6774-A-1201-B, 6774-1103-B, 6774-1102-B, 6774-1101-B

REASON To ensure the development is carried out in accordance with the details as approved.

3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall 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 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 occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers 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. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development 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 occupation 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, 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 To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

6. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction
- Hours and days of construction operations.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been 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 years 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 100 year greenfield rate or equivalent greenfield rates with long term storage (minimum rate 11/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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development above ground level shall occur until details of the foul drainage scheme to serve the development have been 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.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. The integral garage and first floor storage area shall remain available for the parking of vehicles and domestic storage in perpetuity and shall at no time be converted into habitable accommodation.
REASON To ensure that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.
10. Details of the refuse stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.
REASON To ensure that adequate refuse facilities are proposed in accordance with policies D1 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.
REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 MARCH 2021**

Application Number	20/01275/FUL
Location	Commercial area, Bradwell Marina, Waterside Road, Bradwell-On-Sea
Proposal	Construction of 3No. commercial workshop units
Applicant	East Coast Developments
Agent	TMA Chartered Surveyors
Target Decision Date	01.03.2021
Case Officer	Louise Staplehurst
Parish	BRADWELL-ON-SEA
Reason for Referral to the Committee / Council	Floorspace of the development over 1000sqm

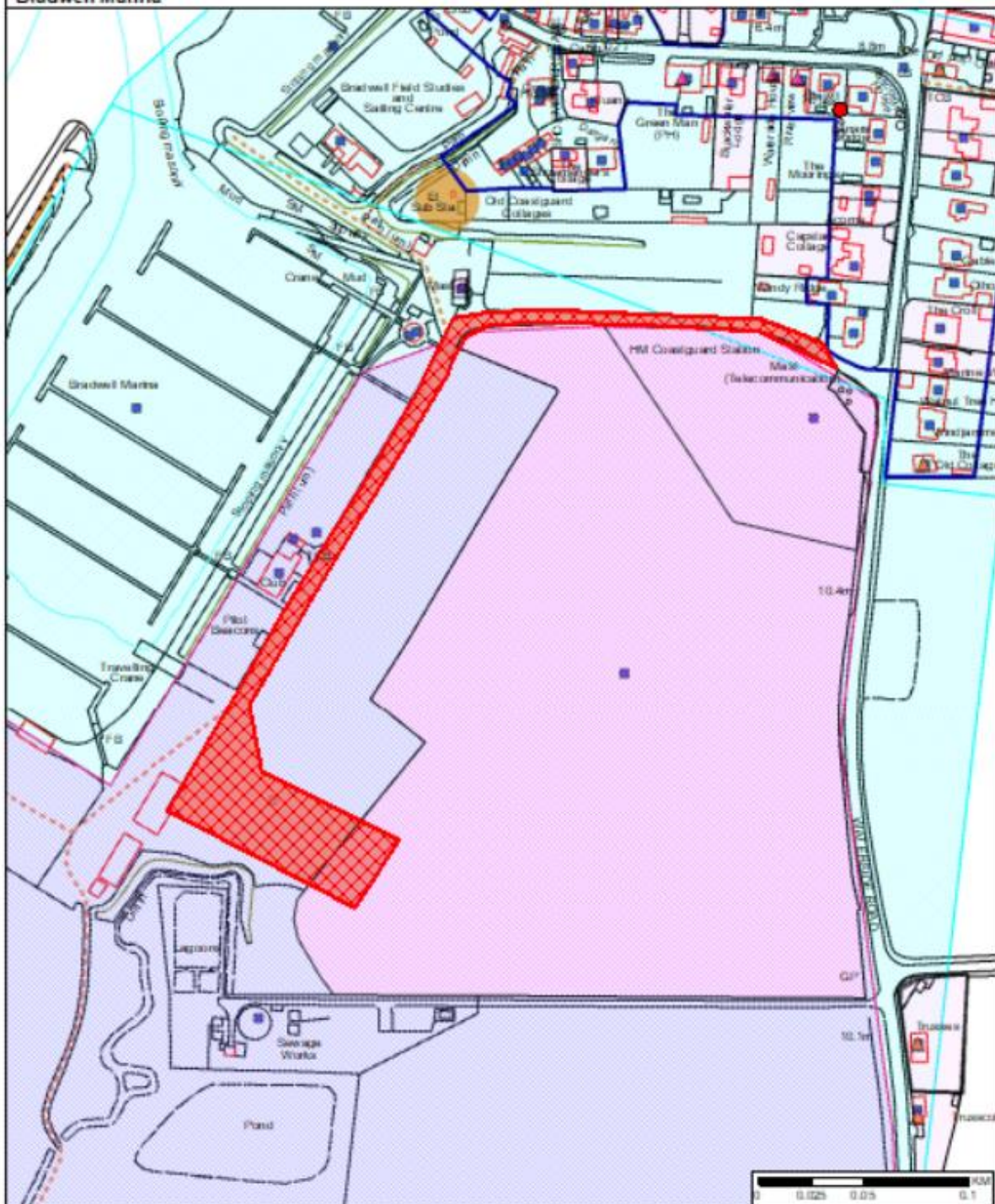
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

20/01275/FUL
Bradwell Marina



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www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SEAC

Date: 03/03/2021

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located outside of the settlement boundary of Bradwell-On-Sea, on the south eastern side of the marina, accessed via Waterside Road to the north east of the site. The marina lies to the north west of the site and the sewage works lie to the south. A field lies to the east and the wider area to the north east contains residential development.
- 3.1.2 The proposal relates to the construction of a single building to provide three commercial workshops at Bradwell Marina to be used for the carrying out of work on larger yachts including painting, refitting and repairs. Vessels would arrive at the site by sea using the existing marina facilities. It is proposed that East Coast Developments would initially occupy two of the units and the third may be let to a business in an allied trade.
- 3.1.3 The building would measure 90 metres wide and 16 metres deep with an eaves height of 6.2 metres and an overall height of 8.4 metres. The building would have an overall footprint of 1440sqm of B2 general industrial space but would be split into 3 equally sized units internally. Each unit would primarily be a workshop but would have a 24.7sqm office with a toilet and small area for making refreshments.

3.2 Conclusion

- 3.2.1 Overall, it is considered that, whilst the development would be a large addition to the site, its' use would be commensurate with the marina use and provide new employment opportunities, so is considered to be an acceptable form of development. It is considered that it would not result in a significantly harmful impact on the character and appearance of the area, nor would it result in a demonstrable impact on nearby residential sites, subject to appropriate conditions. There are also not considered to be concerns regarding parking provision or highway impacts. The proposal is therefore considered to accord 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
- 54-57 Planning conditions and obligations
- 117-118 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
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires 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 Maldon District Local Development Plan (MDLDP). The previous planning history of a site is a material planning consideration and for that reason is pertinent to be considered as part of the assessment of the proposal.

5.1.2 Policy S1 states that *‘when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principles in policy and decision making:*

1) Ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District;’

5.1.3 Policy S8 states *‘the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. 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 it is for either:*

b) Employment generating proposals (in accordance with Policy E1)’

5.1.4 Policy E1 states *‘The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target including live work accommodation in both urban and rural areas in accordance with other policies in this Plan. All new employment space should seek to meet the needs of local*

businesses and attract inward investment. Additional employment land is allocated within the Strategic Allocations and Garden Suburbs as set out in Policies S4 and S6. Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations’.

5.1.5 Paragraph 83 of the NPPF states that ‘*planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses’.

5.1.6 Paragraph 84 of the NPPF states ‘*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.’*

5.1.7 The development would be commensurate with, and would support, the adjacent marina and aims to provide 5 jobs per unit; 15 in total. Overall, the proposal would accord with the aims of the NPPF and the LDP in terms of it supporting the existing marina and providing employment opportunities. Whilst the site is outside of the settlement boundary and is not highly accessible via public transport services, it is acknowledged that due to the nature of the building being used for the servicing and repairing of yachts and marine vessels, it is suitable for the site to be located adjacent to the marina. The proposal is therefore considered to be acceptable subject to the material considerations below.

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 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;

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

- 5.2.4 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.
- 5.2.5 The design of the building is considered to be a typical design for an industrial/commercial building, including the materials of profiled steel. The proposed building would be a large addition to the site due to its significant scale, with a footprint of 1440 sqm. Due to its scale and the flat topography of the surrounding land, it would be visible from within the surrounding area, however due to over a 200m separation distance between the building and Waterside Road, it is not considered to be an unduly dominant feature within the streetscene.
- 5.2.6 Overall, whilst the proposal would be a large development, when taking into account its location and separation distance from Waterside Road, and the fact it would be used in association with the adjacent marina, it is considered that the development is acceptable.

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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The closest residential dwellings would be Westwick Farm to the south of the site, The Old Cottage to the north east along Waterside Road and the Old Coastguard Cottages along Shoemenders Lane to the north of the site, over 300 metres away. Due to the separation distance it is not considered that the proposal would result in a loss of privacy or light to nearby residential sites.
- 5.3.3 The proposal would result in increased noise and disturbance resulting from the use of the proposed buildings and vehicle movements to and from the site; however, it is considered that appropriately worded conditions restricting the use of the site, hours of opening and hours of deliveries, would be sufficient in ensuring the proposal would not detrimentally harm the residential amenity of surrounding neighbouring sites. It is noted that the Environmental Health team have been consulted and have no objections to the proposal.

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 It is considered that the proposed use of the building would be B2 general industry. The adopted car parking standards require a B2 use to have 1 parking space per 50sqm of floor area. Due to the large size of the proposed building, this means 30 parking spaces are required, measuring 2.9m by 5.5m. The site is currently formed of hardstanding and there would be an area to the north of the building which could accommodate this number of parking spaces. A condition will be imposed to ensure 30 parking spaces are provided.

6. PRE-COMMENCEMENT CONDITIONS

- 6.1 One pre-commencement condition is recommended in relation to a construction method statement. Agreement for this condition has been sought from the Agent. An update in this respect will be provided in the Members' Update.

7. ANY RELEVANT SITE HISTORY

- There is no relevant site history

8. CONSULTATIONS AND REPRESENTATIONS RECEIVED

8.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell-On-Sea Parish Council	No objection	Comments noted

8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways Authority	No response at the time of writing the report	Any response will be provided on the Members' Update.

8.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comments	Noted

8.4 Representations received from Interested Parties

- 8.4.1 No letters of representation have been received at the time of writing the report.

9. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The proposed development shall be carried out in complete accordance with the following plans and drawings: TMA/882/P10 B, TMA/882/P15, TMA/882/P21 B, TMA/882/P25, TMA/882/P30, TMA/882/P31, TMA/882/P22, Planning Statement, Economic Statement
REASON To ensure the development is carried out as approved.
- 3 Prior to their use in the development hereby approved, written details and samples and/or high-quality photographs of the external materials to be used in the development shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the details as approved.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
- 4 The development hereby approved shall only be used for a B2 General Industrial use, specifically related to the marine industry.
REASON To ensure the appropriate use of the site and to protect the amenity of the surrounding area, in accordance with policies S8 and D1 of the LDP.
- 5 Prior to the first use of the development hereby approved, 30 car parking spaces, measuring 2.9m wide by 5.5m deep in accordance with the Maldon District Vehicle Parking Standards, shall be laid out within the site, to the north of the building hereby approved. These spaces shall remain as such in perpetuity.
REASON To ensure appropriate parking is provided at the site, in accordance with policy D1 and T2 of the LDP.
- 6 The use hereby permitted shall only be undertaken between 07:00 hours and 19:00 hours on weekdays and on Saturdays and not at any time on Sundays and Public Holidays.
REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the LDP.
- 7 Deliveries to and collections from the site shall only be undertaken between 06:30 hours and 19:30 hours on weekdays and on Saturdays and not at any time on Sundays and Public Holidays.
REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the LDP.
- 8 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
- 9 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the local planning authority.
REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.
- 10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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, 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 To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works

REASON In the interests of the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 12 Prior to works above ground level, full details of the surface water drainage and foul drainage scheme to serve the development shall be submitted to and approved by the local planning authority for approval. The development shall be carried out as approved and retained and such thereafter.

REASON In the interests of appropriate drainage and protection from pollution, in accordance with policy D2 of the LDP.

- 13 Prior to the first use of the development hereby approved, a scheme for the management of recycling and waste to serve the development, including bin storage areas, shall be submitted to approved by the local planning authority. The development shall be carried out in accordance with the details as approved and retained as such thereafter.

REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.

- 14 No machinery shall be operated and no process shall be undertaken outside of the building hereby approved.

REASON To protect the amenity of the area, in accordance with policies S8 and D1 of the LDP.



**REPORT of
DIRECTOR OF SERVICE DELIEVRY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 MARCH 2021**

Application Number	21/00012/VAR
Location	Theedhams Farm, Steeple Road, Southminster, Essex
Proposal	Variation of condition 19 (highway works) on approved planning permission 14/00613/OUT allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.)
Applicant	DWH Eastern Counties
Agent	N/A
Target Decision Date	15.04.2021
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major application

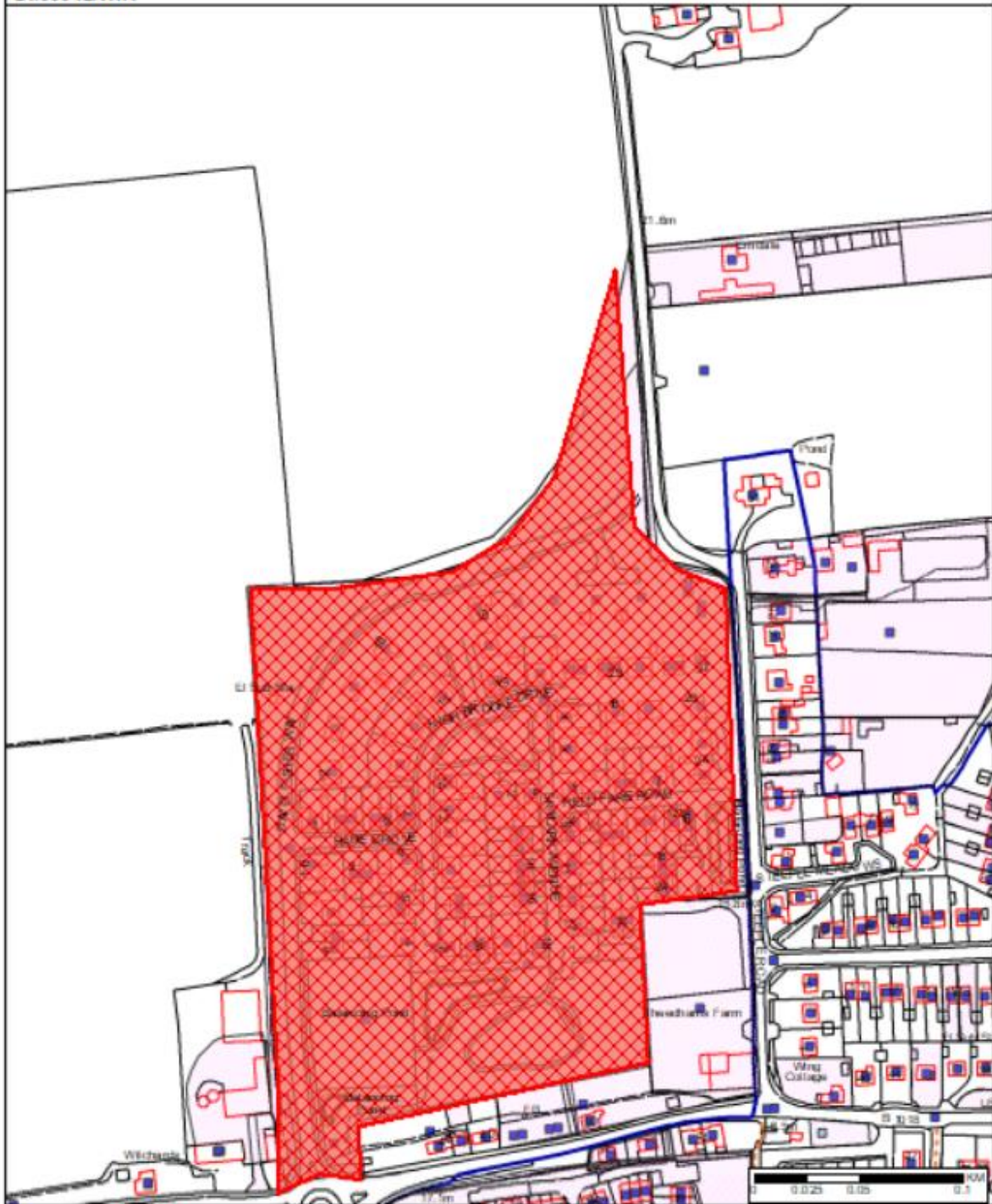
1. RECOMMENDATION


SUBJECT TO THE COMPLETION OF A DEED OF VARIATION TO THE S106 UNILATERAL UNDERTAKING APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see below.

Theedhams Farm Steeple Road Southminster
21/000 12/VAR



 <p>MALDON DISTRICT COUNCIL</p>	<p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office (© Crown copyright). Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	<p>Scale: 1:2,500</p>
	<p>Organisation: Maldon District Council</p>	<p>Date: 26/02/2021</p>
	<p>Department: Department</p>	<p>MSA Number: 100018588</p>
	<p>Comments: SE Area Committee</p>	
	<p>Date: 26/02/2021</p>	

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located at the edge of and beyond the settlement limits for Southminster, enclosed on some sides by existing development including houses on Steeple Road to the east and Scotts Hill to the south. There is more substantial and new development on the opposite side of Scotts Hill (Southfields). There are barns and other development at Witchards Farm to the west. The site is currently being developed for residential purposes in accordance with outline planning permission 14/00613/OUT and reserved matters approval 18/00752/RES.

3.1.2 The outline planning permission (14/00613/OUT) was for the development of 94 homes with associated development which was allowed on appeal on 1 August 2016. The Unilateral Undertaking associated with the outline planning permission makes provision for affordable housing, highways works, residential travel packs, open space, health care, provision of a site for a medical centre; and education.

3.1.3 Details of access, appearance, landscaping, layout and scale were the ‘reserved matters’ as part of the outline planning application. These details were approved as part of application reference 18/00752/RES.

3.1.4 The current application seeks a variation of condition 19 (highways works) attached to the outline planning permission.

3.1.5 Condition 19 requires the following:

Prior to first occupation of any dwelling details of the provision of highway works as shown on COTTEE drawing no.1475/9, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details prior to the first occupation of any dwelling and retained as such thereafter.

The reason for the condition was to ensure the highways works are carried out in the interests of highway safety.

3.1.6 The details of the highway works shown on COTTEE drawing no. 1475/9 required by condition 19 have been submitted to and approved in writing by the local planning authority (reference 20/05114/DET). However, the link road has not been fully opened prior to the first occupation of any dwelling, as required by the existing condition. Therefore, the current application is retrospective, in part.

3.1.7 The revised wording requested by the applicant is as follows:

Prior to first occupation of any dwelling details of the provision of highway works as shown on COTTEE drawing no.1475/9, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details within 3 months of the 80th occupation of any dwelling permitted and retained as such thereafter.

- 3.1.8 The applicant explains that this revised wording would allow sufficient time for the developer to simultaneously open-up the link road for public traffic and progress the development sufficiently so that heavy plant will no longer have to utilise the link road which would, otherwise, generate health and safety concerns. At the same time, Steeple Road would be stopped-up and turned into a cul-de-sac in accordance with the approved details and the bus route would be redirected through the site. The majority of the link road is open to the public, but it is still currently closed-off at its northern end where it would link with Steeple Road. The part of the link road still unavailable for public use is currently being used as a site compound.

3.2 Conclusion

- 3.2.1 It is considered that the revised condition would be acceptable and the delay in opening-up the link road would not result in any undue harm in terms of highway safety or accessibility.

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:

- 11 Presumption in favour of sustainable development
- 47-50 Determining applications
- 59-79 Delivering a Sufficient Supply of Homes
- 80-82 Building a strong, competitive economy
- 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
- D2 Climate Change and Environmental Impact of New Development
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I2 Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

- 5.1 The only matter which would require consideration as part of the determination of this application would be the impact of the delay in opening-up the link road on highway safety and accessibility.

5.2 Access and Highway Safety

- 5.2.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved Local Development Plan (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.
- 5.2.2 Essex County Council (ECC) Highways has raised no objections to the delay proposed in fully opening the link road and they agree with the applicant's reasoning for doing so. The proposed delay would not prevent access being gained to any of the new dwellings by means of vehicles or on foot but would increase the distance needed to be travelled if residents were wishing to travel to the north, via Steeple Road. However, this additional distance would not be significant enough to cause such inconvenience to justify a refusal of the application or a requirement that the link road is opened-up prior to the occupation of the 80th dwelling.
- 5.2.3 As a result, no objections are raised to the proposed delay in fully opening the link road to the public and it is recommended below that planning permission is granted subject to the conditions attached to the original outline planning permission but revised and updated to reflect the details which have been approved since the outline planning permission was granted.
- 5.2.4 The Unilateral Undertaking referred to above requires the link road and the turning head adjacent to 29 Steeple Road to be provided in two phases – stage 1 is the section from the B1018 roundabout to point 'A' on Drawing 1475/10 prior to the occupation of the first market dwelling. Stage 2 was the completion of the link road connecting with Steeple Road prior to the occupation of the 40th market dwelling. If planning permission is granted for the variation proposed, a Deed of Variation to the existing Unilateral Undertaking would also be required.

6. ANY RELEVANT SITE HISTORY

- **14/00613/OUT** - Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre - Appeal allowed 01.08.2016
- **17/01189/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on approved planning application OUT/MAL/14/00613 allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-

de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) – Refused 29.03.2018

- **18/00129/OUT** - Removal of conditions 13 (Flood Response Plan) & 20 (two bus stops on link road) on approved planning permission OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) – Refused 12.04.2018
- **18/05015/DET** - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 5 - Proposed phasing of development. Condition 7 - Tree retention & protection. Condition 8 - Fencing & ground protection for trees. Condition 9 - Foul Water Strategy. Condition 10 - Surface water drainage scheme. Condition 12 - Scheme to minimise the risk of off-site flooding. Condition 16 - Ecological Survey. Condition 18 - Construction method statement. Condition 21 - Air quality assessment. Condition 22 - Superfast broadband – Approved 23.11.2018
- **18/05022/DET** - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 11 - Modelling of Asheldham Brook – Approved 23.11.2018
- **18/05025/DET** - Compliance with conditions notification of approved planning permission OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre). Condition 7 - No trees to be felled, cut back, damaged or removed - Withdrawn
- **18/05070/DET** - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 14 - Archaeological Assessment – Approved 22.05.2018

- **18/05141/DET** - Compliance with conditions notification of application OUT/MAL/14/00613 allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre). Condition 13 - Flood response plan. Condition 17 - Lighting strategy – Approved 29.10.2018
- **18/00752/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on planning application OUT/MAL/14/00613 which was allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) – Approved 23.11.2018
- **20/05114/DET** - Compliance with conditions notification 14/00613/OUT allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) Condition 19 - Highway works – Approved 08.12.2020

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	No comments to make.	Noted.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways	No objections as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy T2 of the Local Plan. The developer has fully engaged with the	Noted – refer to section 5.2 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Highway Authority before this submission, and we completely concur with DWH and their submitted statement for the reasons for the variation to the original trigger point.	

7.3 Representations received from Interested Parties

7.3.1 No letters of representation were received.

8. **SUBJECT TO THE COMPLETION OF A DEED OF VARIATION TO THE S106 UNILATERAL UNDERTAKING APPROVE WITH THE PROPOSED CONDITIONS.**

1. The development hereby permitted shall be carried out substantially in accordance with drawing number 3A received on 27.02.2015 (Site Plan) and 1475/9 (Access Arrangements).

REASON To ensure the development is carried-out as approved.

2. The development shall be carried-out in accordance with the details approved as part of the following applications:

18/05015/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 5 - Proposed phasing of development. Condition 7 - Tree retention & protection. Condition 8 - Fencing & ground protection for trees. Condition 9 - Foul Water Strategy. Condition 10 - Surface water drainage scheme. Condition 12 - Scheme to minimise the risk of off-site flooding. Condition 16 - Ecological Survey. Condition 18 - Construction method statement. Condition 21 - Air quality assessment. Condition 22 - Superfast broadband – Approved 23.11.2018

18/05022/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 11 - Modelling of Asheldham Brook – Approved 23.11.2018

18/05070/DET - Compliance with conditions notification OUT/MAL/14/00613 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre) Condition 14 - Archaeological Assessment – Approved 22.05.2018

18/05141/DET - Compliance with conditions notification of application OUT/MAL/14/00613 allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre). Condition 13 - Flood response plan. Condition 17 - Lighting strategy – Approved 29.10.2018

18/00752/RES - Reserved matters application for the approval of access, appearance, landscaping, layout and scale on planning application OUT/MAL/14/00613 which was allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) – Approved 23.11.2018

20/05114/DET - Compliance with conditions notification 14/00613/OUT allowed on appeal APP/X1545/W/15/3132936 (Creation of a new Northern Bypass/Link Road. Conversion of Steeple Road to a cul-de-Sac. Residential development of approx. 3 hectares, for 94 houses in total, including 28 affordable houses, and all associated works. The provision of new Public Open Space. The allocation of 0.275 hectares of land reserved for the provision of a medical centre.) Condition 19 - Highway works – Approved 08.12.2020

3. The development shall proceed in compliance with the agreed phasing schedule as approved as part of 18/05015/DET.
REASON To ensure that amelioration and enhancement benefits are delivered to an appropriate timescale.
4. No existing trees within the site or overhanging the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority.
REASON To ensure the development blends in, in accordance with Policies S1, S8 and D1 of the approved Local Development Plan and the NPPF.
5. The protective fencing and ground protection approved as part of 18/05015/DET shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.
REASON To ensure that the proposed development blends in, in accordance with Policies S1, S8 and D1 of the approved Local Development Plan and the NPPF.
6. The development shall be carried out in accordance with the foul drainage details approved as part of 18/05015/DET and shall be maintained and retained in that form thereafter.
REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.
7. The surface water drainage scheme, including means of attenuation and disposal of surface water from the site, the use of SuDS, an implementation time table and future management of the scheme, approved as part of 18/05015/DET shall be carried out in accordance with the approved details.

- REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.
8. The new on-site culvert in Asheldham Brook shall be managed and maintained in accordance with the details as approved as part of application 18/05022/DET.
REASON To prevent water runoff and flooding, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.
 9. The Flood Response Plan approved as part of 18/05141/DET shall be made available to all prospective occupiers prior to their first occupation of any dwelling.
REASON To ensure that future occupiers are aware of the Flood Response Plan, in accordance with Policy D5 of the approved Local Development Plan and the NPPF.
 10. The development shall be carried out and completed in accordance with the ecological mitigation scheme approved as part of application 18/05015/DET.
REASON To ensure that the proposed development protects flora and fauna, in accordance with Policy N2 of the approved Local Development Plan and the NPPF.
 11. With the exception of domestic garden/security lighting for each dwelling, the development shall be completed in accordance with the lighting strategy approved as part of 18/05141/DET and once implemented shall be retained in accordance with the approved scheme.
REASON To prevent light pollution, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.
 12. The Construction Method Statement approved as part of application 18/05015/DET shall be adhered to throughout the construction period.
REASON A construction method statement will ensure that development minimises inconvenience to local residents, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.
 13. The development shall be carried-out in accordance with the highway works approved as part of 20/05114/DET within 3 months of the occupation of the 80th dwelling and retained as such thereafter.
REASON To ensure the highway works are carried out in the interests of highway safety, in accordance with Policies T1 and T2 of the approved Local Development Plan.
 14. The two bus stops approved as part of 18/00752/RES shall be retained as approved.
REASON To ensure the bus stops are installed to maximise use of public transport, in accordance with Policy T2 of the approved Local Development Plan and the NPPF.
 15. The development shall be carried out in complete accordance with the air quality assessment and mitigation measures approved as part of 18/05015/DET and retained as such thereafter.
REASON To ensure air quality is not harmfully affected by the proposed development in the interest of public health and convenience, in accordance with Policies D1 and D2 of the approved Local Development Plan and the NPPF.
 16. The development of the site shall be carried out in accordance with the superfast broadband strategy approved as part of 18/05015/DET.
REASON To ensure provision is made during construction for ducting for broadband in the interest of public health and convenience, in accordance with Policy S1 of the approved Local Development Plan and the NPPF.