



**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

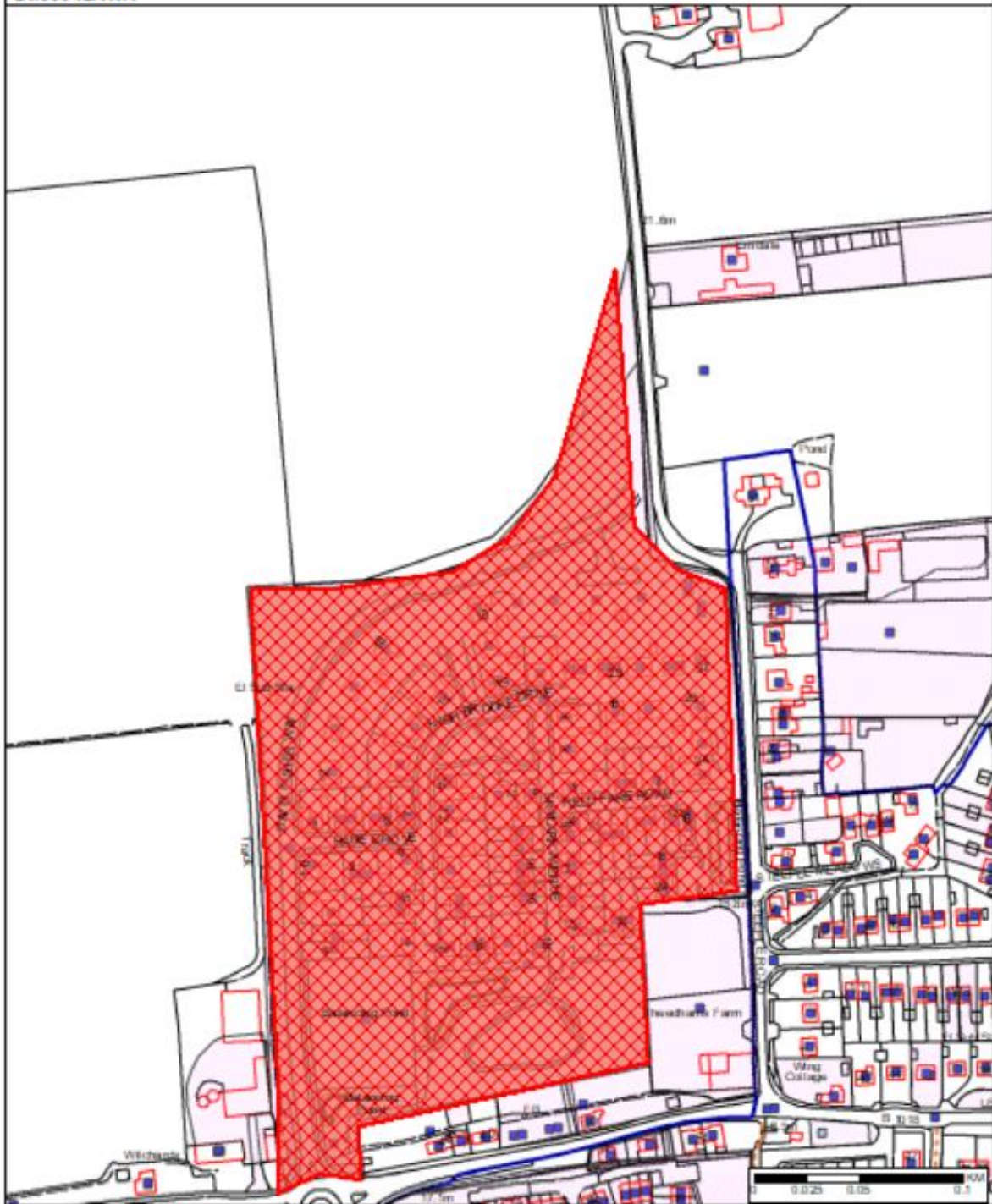
1. RECOMMENDATION

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



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	Organisation: Maldon District Council
	Department: Department
	Comments: SE Area Committee
	Date: 26/02/2021
MSA Number: 100018588	

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

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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.