



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
SOUTH EASTERN AREA PLANNING COMMITTEE
26 JULY 2023

Application Number	22/01005/FUL
Location	Land at Theedhams Farm, David Fisher Way, Southminster, CM0 7BD
Proposal	New medical practice with dispensary retail unit and other ancillary uses together with access onto David Fisher Way; associated car parking facilities and other hard and soft landscaping works.
Applicant	Assura Aspire Ltd
Agent	Mr M. Robinson - Simpson Hilder Associates
Target Decision Date	17.02.2023 EoT to 28.07.2023
Case Officer	Jonathan Doe
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Call in by Councillor A S Fluker with reference to policies D1 and E3. The proposal is a Major development outside a defined settlement boundary

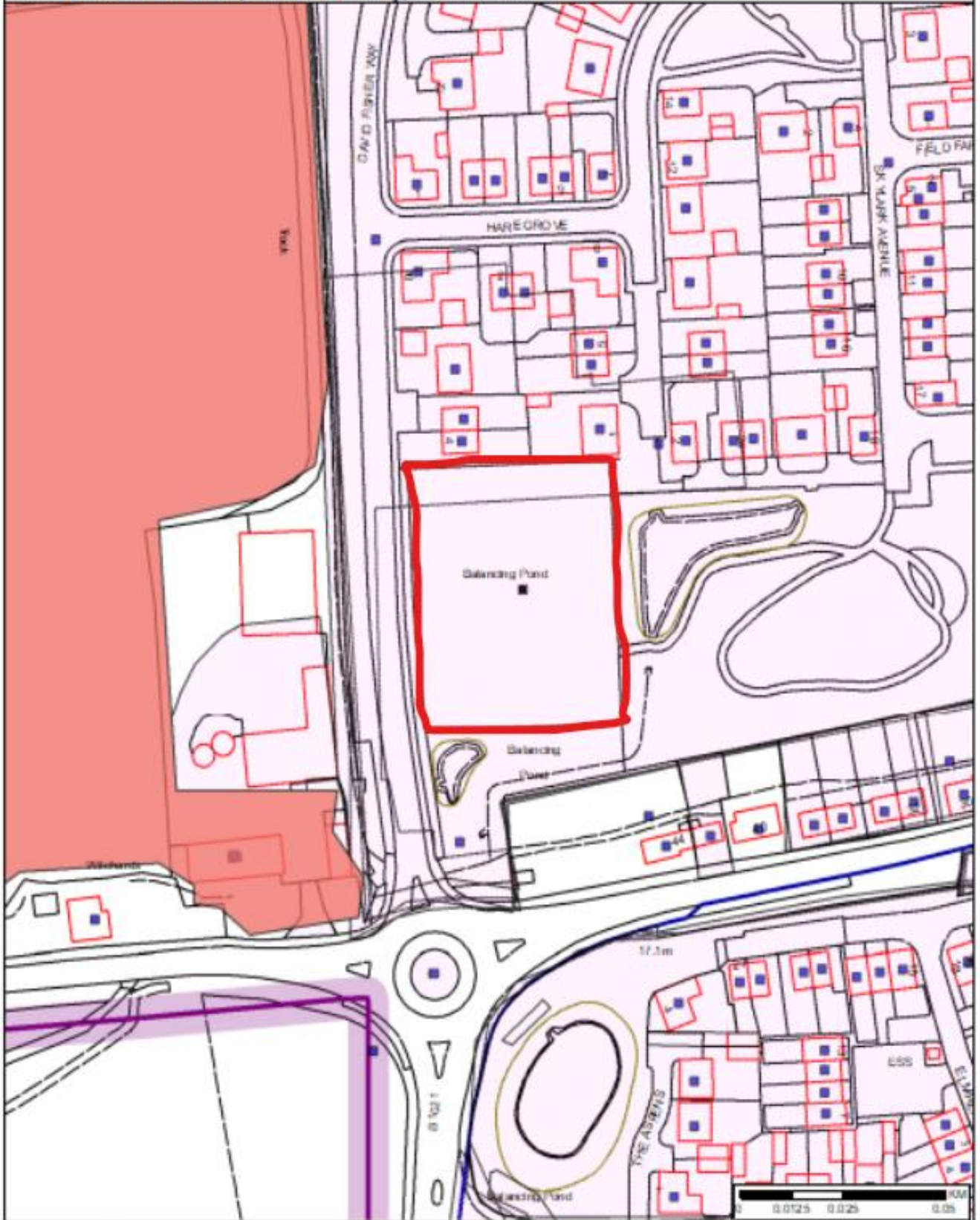
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

Application reference 22/01005/F UL
Land at Theedham's Farm, David Fisher Way, Southminster



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	14/06/2023
	MSA Number:	100018588
<p>www.maldon.gov.uk</p>		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is currently an open grassed area, of some 0.3 hectares, on the eastern side of David Fisher Way.
- 3.1.2 The site is to the western side of the built-up area of Southminster, some 1km from the centre of the village. The site is within an area of recent comprehensive development to the west of Steeple Road and north of Queen Street.
- 3.1.3 There is recent residential development to the north of the site. To the east is public open space with a swale. To the south of the site is public open space and residential development fronting onto Scotts Hill, part of the B1018. On the opposite side of David Fisher Way, to the west of the site, are industrial units accessed off Scotts Hill. To the northwest and further to the west are agricultural fields. The site is in Flood Zone 3.
- 3.1.4 The relevant history of the site begins with an outline planning permission, 14/00613/OUT, granted at appeal for residential development which included land being reserved for a medical centre. The most recent planning history relating to the site is 21/00012/VAR which approved various aspects regarding the setting of the current site including 94 houses, the provision of new public open space and the allocation of 0.275 hectares of land reserved for the provision of a medical centre.

Description of proposal

- 3.1.5 The proposal is for a medical centre in a new two-storey building. The layout of the proposed site would be with the medical centre building to the north of the site and a parking area to the south. Vehicular access would be mid-way along the site frontage with David Fisher Way.
- 3.1.6 The medical centre building would have a maximum width of some 34m by a maximum depth of some 19m, the two-storey form having a depth of some 13m.
- 3.1.7 The proposed new medical facility would replace the existing William Fisher Medical Centre in Southminster. The proposal has received support from the Mid-Essex Clinical Commissioning Group, a supporting letter forms part of the application documentation. The application refers to the existing surgery being outdated, lacking capacity and the GP client requires improved facilities to cope with the expected expansion of its patient list from 6,000 patients to 9,500 patients within the next five years.
- 3.1.8 The proposed medical centre would have nine consulting and treatment rooms, a multi-use room, associated administration spaces and support and welfare spaces. There would also be a small dispensary, of some 20 sq m, to replicate the existing dispensing provisions at the current William Fisher Medical Centre. Sixteen full-time employees would be employed. 33 car parking spaces are proposed.

3.2 Conclusion

- 3.2.1 The proposal is for a community service and is supported by Policy E3 of the Local Development Plan (LDP) which states that the Council will seek to enhance the provision of community services and facilities. The site is outside a settlement

boundary but is part of a continuum of built development which now forms the built-up area of Southminster. The impact of the proposed development to occupiers of neighbouring residential development is acceptable. Flood risk has been adequately addressed with such risk relating only to the car park and not to the proposed building.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 55-58 Planning conditions and obligations
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- Policy S1 - Sustainable Development
- Policy S8 - Settlement Boundaries and the Countryside
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D5 - Flood Risk and Coastal Management
- Policy E1 – Employment
- Policy E3 – Community Services and Facilities
- Policy H4 – Effective Use of Land
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services
- Policy I2 – Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways / access / parking, flood risk, and nature conservation.

5.2 Principle of Development

5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan is the approved LDP.

5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

5.2.3 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.4 The application site is within the context of a comprehensive development for housing which was granted at appeal. The proposal would have no material impact to the intrinsic character or beauty of the countryside. This is discussed below in the section addressing the design and impact on the character of the area.

5.2.5 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities. Development proposals which will help to improve the provision of and accessibility to community services and facilities in a local area will be encouraged including the re-located, co-location, modernisation and expansion of existing services. The proposal would align with the aims of this policy. Accordingly, the proposal is supported by Policy E3.

5.2.6 Policy I1 is concerned with infrastructure and services and states that the Council will work with relevant partners and infrastructure providers to improve infrastructure provision. Policy I2 is concerned with health and wellbeing and states that the Council will aim to improve the District's health and wellbeing by such means as addressing delivery of modern healthcare. In that the proposal is a form of infrastructure provision and that the proposal would deliver modern healthcare, Policies I1 I2 support the proposal.

5.2.7 In conclusion with regard to the principle of the development, the setting and history of the site are such that it is acceptable with regard to Policies S1 and S8 and the proposal is supported by Policy E3.

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 any local design standards or 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;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017).

5.3.5 The proposed building would be set against a background of mainly two-storey housing development to the north and northeast. Land to the east is public open space with no built forms though its character is not that of open countryside, but of landscaped open space. David Fisher Way forms a strong visual boundary to the west of the site and on the far side of the road are sizeable commercial buildings. The proposed built form would be in the northern part of the site with the car park to the southern part forming relatively open land and a buffer from the southern boundary of the site. Beyond the southern boundary of the site is built development facing onto Queen Street, part of the B1018.

5.3.6 The introduction of built form as proposed would be in keeping with the overall setting to the site. Furthermore, the proposed building would obscure the side elevation of a

house to the north and thereby improve on an element of townscape with an unfinished appearance.

- 5.3.7 Amended plans have been received in the course of the consideration of the application which show a flat roofed two-storey building. The proposal is for a building with a contemporary style and with a horizontal emphasis to the massing of the building. The appearance of the mass of the building would be broken into a number of visual elements. The front elevation achieves a visual balance appearing as a vertical element in facing brick to the left-hand side, then an element with a first-floor area of glazing which would slightly protrude set against a wall of vertical timber boarding, then a wider element of essentially facing brick, with two panels having a feature brick pattern. On the ground floor would be a protruding open canopy with a colour coated finish.
- 5.3.8 Policy D1 states at 1) a) that innovative design will be considered where appropriate. This site is wholly appropriate to a more contemporary design as there is an absence of a more traditional architectural style within which the proposal would be viewed. The front elevation would be seen in an oblique view on a long stretch of David Fisher Way due to the proposed parking area in front forming open land. The comment of the Parish Council regarding the “gate way” nature of the site is an appropriate way to describe the setting of the proposal. The design is to a high standard and officers concur with the Parish Council in its support of the design.
- 5.3.9 In conclusion, the development proposed would enhance the local context of this particular site and make a positive contribution with regard to its contemporary architectural style appropriate for this particular site. As such the development complies with Policies S1, S8, D1 of the approved LDP.

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 Policy H4 7 is concerned with the impacts on the amenities of neighbouring properties in the context of the effective use of land.
- 5.4.3 The Environmental Health team raises no objection in principle subject to conditions regarding specification of the air source heat pumps, reporting any previously unidentified ground contamination, assessment of drainage, details of external lighting, a construction management plan, and details of any external plant to ventilation.
- 5.4.4 Two residential properties adjoin the northern boundary of the site: 4 David Fisher Way and 1 High Brooke Drive. Five first-floor windows would look towards these properties over a distance of some 7m. The windows would be to two consulting rooms, a half-landing of a staircase, a corridor, and an office for the practice manager. The imposition of a condition to require the windows to the staircase and corridor to be obscure glazed is considered reasonable and unproblematic. A condition to require the practice rooms and the office to also be obscure glazed is necessary, to avoid overlooking of the rear gardens to the north, and reasonable given that these rooms would be workspaces. Subject to such conditions, the proposal is acceptable with regard to privacy and overlooking.

- 5.4.5 The rear elevations of the house and bungalow to the north would be orientated at a right-angle to the rear elevation of the proposed building and the two-storey built form of the proposed building would be nearly 7m from the common boundary with these properties. In these circumstances the proposal would be acceptable with regard to outlook in relation to Policy D1.
- 5.4.6 The built form of the proposed building would screen activity and any noise arising from the use of the site from neighbours to the north. Environmental Health has recommended a condition to agree the specification of air source heat pumps prior to installation. The public open space would distance any noise to neighbours to the south. Subject to a condition regarding heat pumps, the proposal is acceptable with regard to noise in relation to Policy D1.
- 5.4.7 An external light management strategy has been submitted as part of the application documentation. Environmental Health has no objection to this in principle though recommend a condition be imposed to seek further detail of lighting to ensure that no light overspill occurs. Subject to such a condition, the proposal is considered acceptable with regard to light in relation to Policy D1.
- 5.4.8 The proposed building would have a height to the top of a parapet to the flat roof of the main body of the building of some 8m. The elevation drawings, 942-P005 Revision E, show that the ground level to the building would be raised such that the height of the building would be 8.5m higher than the ground level of the existing land. However, it was noted from a site visit that the residential properties to the north are on ground some 1m higher in level than the level of the application site. The distance between the boundary with the neighbouring properties to the north and the two-storey built form of the proposed building would be some 7m. The built form of the house to the north is some 2m from this boundary and the built form of the bungalow is some 1m from this boundary. Whilst the proposal would lead to some loss of light to the rear gardens of the dwellings to the north, loss of light to windows of these dwellings would not be to a degree which would form a basis for refusal.
- 5.4.9 In conclusion with regard to residential amenity, the proposal is acceptable.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The standard for a medical centre is one space per full-time staff and two spaces per consulting room, or individual assessment / justification. The proposal would involve 16 full-time staff and nine consulting rooms. The car parking standard would therefore be a minimum of 34 spaces. Following receipt of an amended plan, to address an issue raised by the Environment Agency (EA), 33 spaces are proposed.
- 5.5.4 Essex County Council (ECC) Local Highways Authority has confirmed in writing that from a highway and transportation perspective the impact of the proposal is

acceptable subject to conditions regarding the construction of the vehicular access and implementation of parking provision.

- 5.5.5 Based on the above, no objection to the proposal is raised on the grounds of highway safety, access or car parking.

5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 is concerned with Flood Risk and Coastal Management and sets out a number of requirements of new development including that it be demonstrated how it would maximise opportunities to reduce the causes and impacts of flooding.
- 5.6.2 A Flood Risk Assessment (FRA) and Drainage Report forms part of the application documentation. This refers to how surface water from the development would be discharged to the local ditch network with attenuation in the form of permeable paving being included such that the proposed development would not have a detrimental impact on the Theedhams Farm site. Permeable paving would be used within the car park, the circulation area would be hard surfaced, and the parking spaces would be of another permeable material. The foul water network would connect into the existing Theedhams Farm foul network.
- 5.6.3 The EA originally confirmed in writing that having reviewed the documents as submitted it did not have any objection to the proposed application, providing that the flood risk considerations are taken into account which is the responsibility of the Local Planning Authority (LPA). The written response confirms that all 'more vulnerable' built development has been sequentially sited outside of the 1% (1 in 100) annual probability flood extent including an allowance for climate change, as delineated by the bespoke flood risk modelling. Therefore, all buildings will remain dry during a 'design flood' event.
- 5.6.4 The written response from the EA continues by pointing out that the associated car park is partially sited within land liable to flooding and suggests that evidence to confirm that the car park is not within Flood Zone 3b, in order to determine the appropriateness of the proposed development in accordance with Table 2 of the Planning Practice Guidance: Flood Risk and Coastal Change be provided. This has subsequently been provided in the form of a document, Technical Note: Flood Zone 3b Extent and Parking Spaces. However, a response on this technical note raised a holding objection.
- 5.6.5 A Flood Response Plan was subsequently submitted. This concluded that there is a small risk of low-level flooding to a small area of the southern portion of the site. Due to early consideration in the design, there is only minimal impact, limiting the use of seven car parking spaces during the event, with the rest of the site remaining operational. Furthermore, an amended plan has recently been submitted which has deleted the provision of the relevant seven car parking spaces.
- 5.6.6 Given that the EA has confirmed that in the circumstances of this case the flood risk responsibilities are those of the LPA, it is considered that the benefit of the medical centre far outweighs the disbenefit of potential flooding to a small portion of the car park. Furthermore, the objection of the EA, that seven car parking spaces could be flooded, has been overcome by an amended plan which has deleted these spaces from the design.
- 5.6.7 Essex County Council Development and Flood Risk section, the Sustainable Drainage Systems (SuDS) team, has made a holding objection based on an absence of information regarding treatment of water draining from the roof of the proposed

building. The written response from the SuDS team states “As treatment for the roof has not been equated for, there is insufficient pollution treatment”.

5.6.8 Notwithstanding the comment of the SuDS team, there is insufficient ground to refuse the application based on the issue raised regarding lack of detail regarding water draining from the roof of the proposed building. However, it is considered necessary to impose a condition to address any pollution implication of drainage of water from the roof of the building.

5.6.9 Having examined the information regarding flood risk, it is apparent that there is no flood risk to the proposed building. Accordingly, the proposal as a whole is acceptable with regard to flood risk.

5.7 Nature Conservation

5.7.1 The site adjoins land to the south which has a balancing pond. Adjoining land to the east is public open space / a play area which also has some ecological value.

5.7.2 Policy N2 is concerned with the natural environment and biodiversity and requires, amongst other matters, that wherever possible, all development proposals should incorporate ecologically sensitive design and features. Where appropriate, development proposals near any watercourses or water bodies should provide a sufficient buffer which will be beneficial from the perspective of minimizing the encroachment of development, providing ecological enhancements, and preventing pollution.

5.7.3 Essex Place Services ecological advice service has confirmed in writing that it has no objection subject to securing biodiversity mitigation and enhancement measures.

5.7.4 The application documentation includes a Preliminary Ecological Appraisal (PEA). Place Services comment that the mitigation measures identified in the PEA should be secured by a condition. This is necessary to conserve and enhance protected and Priority species particularly reptiles and Hedgehog.

5.7.5 It is also noted that the site lies within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing and that potentially suitable aquatic habitats are present in close proximity to the site. GCN should therefore be considered as part of this planning application. However, due to the type of development and area impacted, Place Services recommends that potential impacts to GCN can be managed under a precautionary method statement for GCN for the construction stage, including storage of materials.

5.7.6 Place Services also support the proposed reasonable biodiversity enhancements of log piles, insect boxes, hedgehog friendly fencing and native species planting, which have been recommended by the PEA to secure net gains for biodiversity, as outlined under Paragraph 174d of the NPPF (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

5.7.7 Subject to imposition of appropriate conditions, the proposal is acceptable with regard to Policy N2.

5.8 Other matters

- 5.8.1 The proposal would create employment at the site and as such is supported by Policy E1 which states that the Council will encourage employment generating developments and investment in the District.

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. – Allowed at appeal (APP/X1545/W/15/3132936) 01.08.2016.
- **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.
- **17/03047/PREAPP** - The proposal will be to prepare and submit a reserved matters application for 94 units, including access for land at Theedhams Farm and provide land for the provision of a medical centre.
- **22/03093/PREAPP** - New two storey medical centre with a total area space of circa 780sqm. This will include nine consulting and treatment rooms, a multi-use group room, associated administration spaces and support, welfare and a small dispensing pharmacy. The site will provide parking, drop off cycle storage and other external support elements.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Southminster Parish Council	Recommends the granting of planning permission. Southminster Parish Council support the design and feel it is an appropriate property for the gateway to the village.	None.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority, Essex County Council (ECC), SuDS advisor	Holding objection	See paragraphs 5.6.7 to 5.6.9 and Condition 14
Anglian Water	<p>Full assessment cannot be made due to lack of information, the applicant has not identified a discharge regime, topography suggests a pumped connection may be required, for pumped connections a rate must be provided, and a clear strategy given which indicates the point of connection, by Anglian Water manhole references for Steeple Road. We therefore request a condition requiring an on-site drainage strategy.</p> <p>The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.</p>	Conditions 12 and 13 address
Environment Agency	Holding objection	See paragraphs 5.6.2 to 5.6.6
Essex Police Designing Out Crime	<p>Maldon's Core Strategy, states that a high priority is placed on doing all they can to reduce crime. It further states that one of Maldon's key objectives is to reduce the fear of crime. The NPPF also supports the need to create safe and secure environments. Paragraph 91 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places, which are places that are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Paragraph 95 of the NPPF states that Planning policies and decisions should promote public safety and take into account wider security.</p> <p>Whilst there are no apparent concerns with the layout to comment further, we would require the finer detail such as the boundary</p>	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>treatments and physical security measures.</p> <p>We would welcome the opportunity to consult on this development to assist the developer demonstrate their compliance with this policy by achieving a Secured by Design award. An SBD award is only achieved by compliance with the requirements of the relevant Design Guide ensuring the risk commensurate security is built into each property and the development as a whole.</p>	
ECC Highways	No objection subject to conditions	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	<p>An Environmental Noise Assessment by Hunter Acoustics 6561/ENS1_Rev2 has been included with the application. I note that there is an intention to provide air source heat pumps, therefore I would recommend a condition to ensure that we agree the specification prior to installation.</p> <p>The Geo-Environmental Assessment by DeltaSimons issued June 2022, Project No:22-0764.01 is satisfactory. As recommended in the report, I would suggest a condition requiring the developer to report previously unidentified contamination.</p> <p>A Flood Risk Assessment and Drainage Report dated 1 September 2022 has been prepared by Civic Engineers. I understand that provisions were made in the Theedhams Farm development for the potential drainage requirements of the medical centre and the intention is to drain into the constructed network. As ECC commented on the original scheme I will leave them to comment on this.</p> <p>The intention to drain foul water into the public sewer is acceptable, subject to Anglian Water approval.</p> <p>An external light management strategy, ref 8808 dated Aug 22 has been provided. This is essentially the lighting specification with a plan of where they are to be sited. No details of light spill have been included and should</p>	<p>Condition 8 addresses details of air source heat pumps.</p> <p>Condition 7 addresses previously unidentified contamination.</p> <p>Condition 9 addresses external lighting.</p> <p>Condition 6 addresses a construction management plan.</p>

Name of Internal Consultee	Comment	Officer Response
	<p>be provided to ensure there is no light trespass beyond the boundary of the development site.</p> <p>Therefore, whilst I have no objections to the proposal I would recommend the inclusion of conditions regarding a construction management plan, reporting should any contaminated ground water being found, no ventilation equipment or similar being installed except as by prior approved details and further details of external lighting.</p>	
Ecology	No objection subject to securing biodiversity mitigation and enhancement measures.	Conditions 10 and 11 address
Specialist - Heritage and Conservation	Proposal will have no impact on the setting or significance of any nearby designated heritage assets.	Noted

7.4 Representations received from Interested Parties

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

Objection Comment	Officer Response
Represents relocation to outskirts of village leading to an accessibility issue.	The site is at an accessible location.
Without retaining existing medical centre this proposal would run at capacity in five years putting community back to same position that it is at today.	This is a matter for the NHS.
Scale and massing inappropriate, too urban looking and would block light.	See paragraphs 5.3.8 and 5.4.7.
Noise disturbance.	See paragraph 5.4.5.
Overlooking and loss of privacy.	See paragraph 5.4.3.
Not efficient use of space as larger than existing facility yet would cater for only an increase of patients of 42-58%.	The proposal offers modern facilities.

7.4.2 **Two** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Would mitigate effect on provision of GP services due to significant housing developments in Southminster.	
Existing medical centre unable to adequately support its expanding patient list due to space restrictions.	

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:
 - 9412-P001 Rev B Block and location plan
 - 9412-P002A Existing site plan
 - 9412-P003B Proposed site plan
 - 9412-P004 Rev B Proposed ground and first floor plans
 - 9412-(2-) 001 Proposed ground floor plan
 - 9412-(2-) 002 Proposed first floor plan
 - 9412-P005 Rev E Proposed elevations
 - 9412-P006 Rev B Proposed roof plan
 - 9412-P007 Rev B Streetscene
 - Design and access statement issue 02
 - Geo-Environmental Assessment by Delta Simons dated June 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 1 September 2022
 - Flood Risk Assessment and drainage report by Civic Engineers dated 22 August 2022
 - External Light Management Strategy
 - Transport Statement by Rossi Long Consulting dated August 2022
 - Environmental Noise Assessment by Hunter Acoustics dated 08/09/2022
 - Preliminary Ecological Appraisal by Geosphere Environmental dated 08/09/2022
 - Flood Response Plan by Simpson Hilder Associates LtdREASON To ensure that the development is carried out in accordance with the details as approved.
3. Notwithstanding the elevation drawing hereby approved, prior to the first occupation of the building hereby permitted, the first-floor windows in the northern elevation shall be glazed with opaque glass and of a non- operable design with the exception of any top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON To avoid overlooking of neighbouring properties, in the interest of the residential amenity of the occupiers of properties to the north of the site, and in accordance with Policy D1 of the Maldon District Local Development Plan and the NPPF.
4. Prior to the first use of the development the vehicular access as shown on the approved plans shall be provided with a dropped kerb crossing of the footway with all details to be agreed with the Highway Authority. The visibility splays and vegetation height shall be maintained as shown on the approved plan for the life of the development.
REASON To ensure that pedestrians are prioritised, and vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy T2 of the Local Plan.

5. Prior to first use of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided with the turning areas being hard surfaced, sealed and marked out and the parking spaces being marked out. The parking and turning areas shall be retained in perpetuity as such for their intended purpose. No hard-standing areas to be constructed until the works have been carried out in accordance with a drainage strategy.

REASON To ensure that appropriate parking and turning is provided.

6. Prior to the commencement of the development the applicant shall submit in writing a construction management plan to the local planning authority for approval. Within the construction management plan it must consider the following requirements:

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:

- 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

REASON In the interest of public amenity in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.

7. Should the existence of any contaminated ground or groundwater 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, it must be reported in writing immediately and a risk assessment of the site shall be undertaken 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11), the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.

REASON To avoid pollution in accordance with Policy D2 6) of the Local Plan and paragraph 183-186 of the National Planning Policy Framework.

8. No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment including air source heat pumps shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

REASON In order to ensure the appropriate use of the site and to protect the amenities of neighbouring residents in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.

9. Notwithstanding the information already provided in respect of the external lighting scheme, further details of the spread of light and operating hours of the lights shall be submitted to and approved in writing by the local planning authority prior to first use of the development hereby approved. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

REASON In the interests of public amenity and biodiversity in accordance with Policy D2 6) and Policy N2 of the Local Plan.

10. Prior to construction above damp-proof course a scheme for biodiversity net gain and nature conservation enhancement of the site, along the lines referred to in the Preliminary Ecological Appraisal (Geo Environmental, September 2022), shall have been submitted to and approved in writing by the local planning authority. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The scheme as approved shall be implemented prior to first use of the development hereby approved and retained as such.

REASON To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in the interest of sustainable development in accordance with Policy S1 9), Policy D1 1) f) and Policy N2 and the provisions of the National Planning Policy Framework.

11. Prior to first construction a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.
REASON To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Local Plan.
12. Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. The agreed scheme shall be implemented prior to the first use or occupation of the building hereby permitted.
REASON The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. To prevent environmental and amenity problems arising from flooding and in the interests of good planning and public amenity in accordance with Policy T2, Policy S1 6) and 11), Policy D1 4) and Policy D5 6) of the Local Plan.
13. No development works above ground level shall occur until details of a surface water 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. 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 1/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 Anglian Water will need to plan effectively for the proposed development and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. In the interest of sustainable development in accordance with Policy S1 7), Policy D2 5) and Policy D5 1) and 4) of the Local Plan and the provisions of the National Planning Policy Framework.
14. Details of an appropriate level of treatment for all rainwater runoff leaving the site, with particular regard to treatment to water from the roof of the medical practice, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753, shall be submitted to and approved in writing by the local planning authority prior to construction of the medical practice building above ground level. The details as approved shall be implemented and retained as approved.
REASON In the interest of the avoidance of pollution in accordance with Policies D1 4) and D2 6) of the adopted Local Plan.

INFORMATIVES

1. There shall be no discharge of surface water onto the Highway.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org
3. The applicant may require a Flood Risk Activity Permit if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert. Asheldam Brook, is designated a 'main river'.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Anyone carrying out these activities without a permit where one is required, is breaking the law.

Further information can be found in the technical appendix of the response of the Environment Agency (dated 25 November 2022) to planning application 22/01005/FUL.

4. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
5. The foul drainage from this development is in the catchment of Southminster Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity.
6. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
7. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
8. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

9. The preferred method of surface water disposal would be to a Sustainable Drainage System (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable due to the rate provided being far greater than Anglian Water would expect for a site of this size. Anglian Water also require a clear strategy for a site of this size, detailing the Anglian Water point of connection, "MHS12" is not an Anglian Water point of connection that we are able to locate. We would therefore recommend that the applicant consults with Anglian Water and the Environment Agency. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to draw substantially on the public sewerage network capacity and capacity at the receiving Water Recycling Centre. If developers can avoid new surface water flows entering the public sewerage, the impact of developments on wastewater infrastructure and the risk and impact of sewer flooding can be managed effectively, in accordance with paragraph 163 of the NPPF, minimise the risk of flooding. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process. As our powers under the Water Industry Act are limited it is important to ensure appropriate control over the surface water drainage approach is dealt with via a planning condition, ensuring that evidence is provided that the hierarchy has been followed and any adverse impacts and mitigation required can be planned for effectively.
10. Desktop analysis has suggested that the proposed development will lead to a risk of flooding downstream. It is highly recommended that you engage with Anglian Water at your earliest convenience to develop in consultation with Anglian Water a feasible drainage strategy. If you have not done so already, it is recommended that you submit a Pre-planning enquiry with our Pre-Development team of Anglian Water. This can be completed online at <http://www.anglianwater.co.uk/developers/pre-development.asp>
11. With regard to the conditions regarding foul and surface water drainage, Anglian Water will require a copy of the following information prior to recommending discharging the condition:

Foul water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including: Development size Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s) Connecting manhole discharge location (No connections can be made into a public rising main) Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website) Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water: Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including: Development hectare size Proposed discharge rate (Our minimum discharge rate is 2l/s. The applicant can verify the site's existing 1 in 1

year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainage-calculation-tools/greenfield-runoff-rate-estimation>. For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate) Connecting manhole discharge location Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (A Surface Water Policy can be found on the website of Anglian Water).