



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

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to  
**DISTRICT PLANNING COMMITTEE  
27 NOVEMBER 2024**

<b>Application Number</b>	<b>24/00393/FUL</b> Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
<b>Location</b>	Heybridge Swifts Football Club, Scraley Road, Heybridge, Maldon, Essex CM9 8FJ
<b>Proposal</b>	Erection of building for a mixed use as a contractor's depot, pigeon club and groundskeeper store; change of use of land to contractors yard with external storage of plant, equipment and vehicles and other associated parking provision (retrospective). Addition of wooden cladding to existing boundary treatment.
<b>Applicant</b>	Heybridge Swifts football club
<b>Agent</b>	Mr Ian Coward - Collins & Coward
<b>Target Decision Date</b>	03.12.24 (EoT)
<b>Case Officer</b>	Lisa Page
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Strategic site within the strategic submitted Local Development Plan

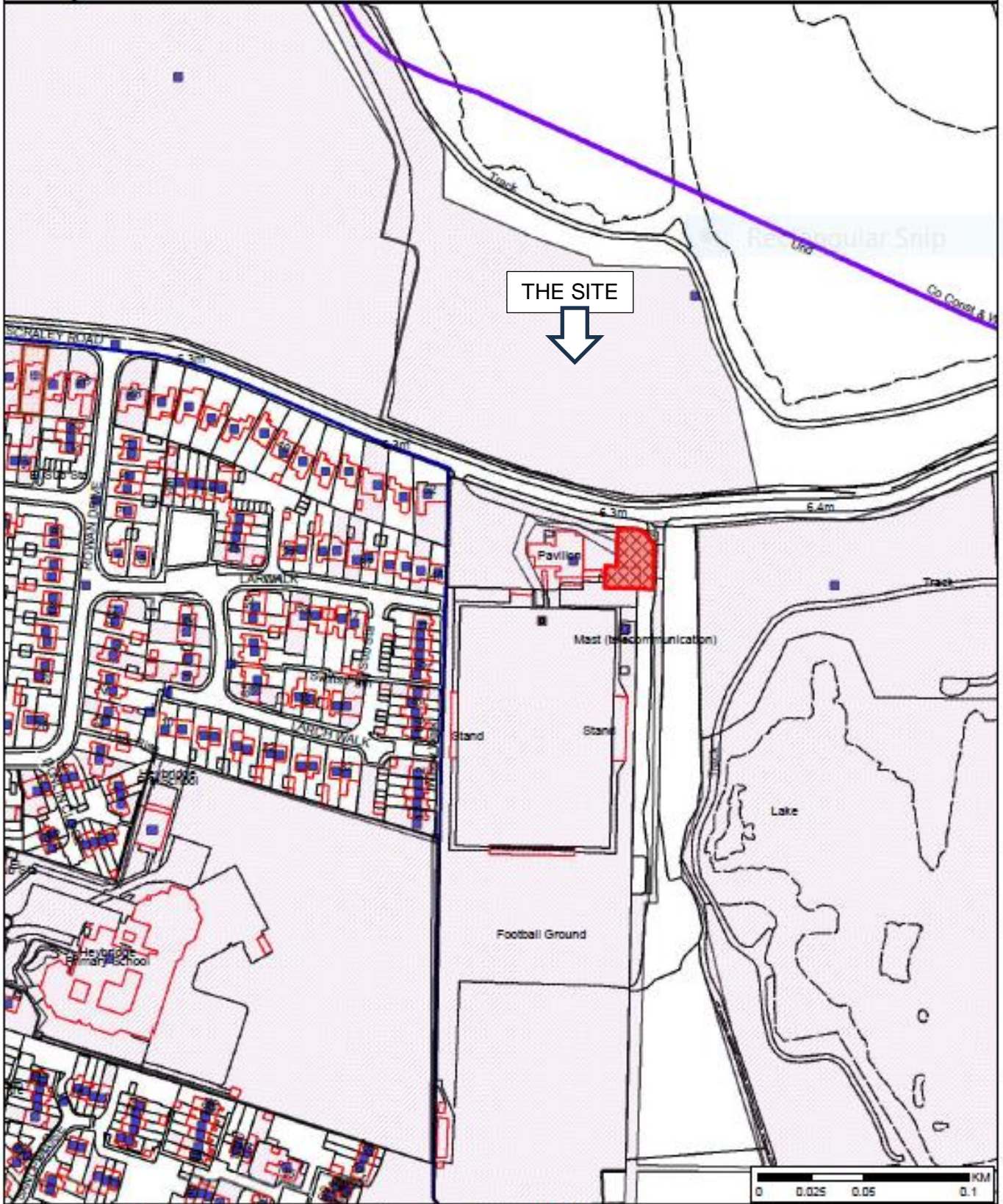
1. **RECOMMENDATION**

**APPROVE** planning permission subject to the conditions as detailed in Section 9 of this report.

2. **SITE MAP**

Please see below.

**Heybridge Swifts Football Club**  
**Scraley Road**



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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	24/00393/FUL
Date:	21/10/2024
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

##### Site description

- 3.1.1 The site is located to the north-east of Heybridge and forms part of the Heybridge Swifts Football Club. It is located adjacent to, but outside of the settlement boundary, and is designated as a strategic growth area via Policy S2 (h) of the Local Development Plan (LDP).
- 3.1.2 The site fronts onto Scraley Road to the north; an access track to the east (which provides access to informal 'overflow parking' and grass football pitches); the main football pitch / stadium and facilities to the south; with parking for the football club to the west.
- 3.1.3 The site lies outside of the Conservation Area and is within Flood Zone 1 as identified in the Environment Agency's (EA's) Flood Map and therefore has a low probability of flooding from rivers and the sea.

##### Description of proposal

- 3.1.4 The application seeks retrospective planning permission for a portal-frame green coloured metal-clad building on site, which measures 15 by 8 metres with a ridge height of 4.5 metres.
- 3.1.5 The building is divided with the majority utilised as a contractors yard (understood to be occupied by 'Maldon Structural' which have an element of B8 use and ancillary Class E) with external storage of plant, equipment and vehicles. The building also includes a local pigeon club, and a groundskeeper store relating to the football club.
- 3.1.6 The contractors yard use obtain access from the corner of the site onto Scraley Road, whereas the local pigeon club and the groundskeeper's store is accessed via the football club. No allocated parking is assigned for these later uses.
- 3.1.7 Permission is also sought for cladding to be applied to the existing boundary.

#### **3.2 Conclusion**

- 3.2.1 Part of the application site is located within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council has reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's Five-Year Housing Land Supply (5YHLS) calculation for some time. The Council's Policy Section has confirmed that there is no intention to carry forward the allocation into the emerging Local Plan. Therefore, whilst the development is contrary to the Development Plan, the principle of development is supported.
- 3.2.2 The application would support an existing local business, within a sustainable location, and would meet with Policy E1 of the LDP and the aspirations of the National Planning Policy Framework (NPPF) to support economic growth. In addition, the provision of the groundskeeper store would support the existing football club to which positive weight is assigned.

- 3.2.3 The layout and design of the building is appropriate to the site context, and subject to conditions regarding the hours of use and extent of external storage, there would be no harm to the character and appearance of the locality. The proposed alterations to the existing boundary treatment would be an improvement in terms of visual amenity.
- 3.2.4 There would be no unacceptable harm to neighbouring amenity.
- 3.2.5 In terms of highways matters, the application would not be detrimental to highway safety, capacity or efficiency and is acceptable from a highway and transportation perspective.
- 3.2.6 Matters in relation to landscape and ecology are satisfactory. In addition, the development would be acceptable in terms of flood risk and drainage.
- 3.2.7 Having considered the benefits that would arise from the proposal and weighed this against the harm arising from the conflict with the residential strategic allocation within the LDP, it is considered that the benefits of the development would outweigh any harm. These benefits would amount to material considerations that would indicate that planning permission could be granted not in accordance with the Development Plan, and thus, it is recommended that planning permission be granted subject to the imposition of conditions as set out.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 National Planning Policy Framework (2023) 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
- 54-58 Planning Conditions and Obligations
- 60-80 Delivering a sufficient supply of homes
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, and coastal change
- 180-194 Conserving and enhancing the natural environment

##### **4.2 Maldon District Local Development Plan (2017)**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside



- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- H1 Affordable Housing
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T2 Accessibility
- I1 Infrastructure and Services

#### 4.3 Relevant Planning Guidance / Documents:

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

## 5. **MAIN CONSIDERATIONS**

### 5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990), and paragraph 47 of the National Planning Policy Framework require that planning decisions are to be made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises of the approved Maldon District LDP.
- 5.1.2 The site falls within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council has reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's 5YHLS calculation for some time. The Council's Policy Section has confirmed that there is no intention to carry forward the allocation into the emerging Local Plan.
- 5.1.3 The development would result in economic benefits, wherein accordance with Policy E1 of the LDP, employment generating developments and investment is supported. Although the site is outside of the settlement boundary for Heybridge, the site is a sustainable location in compliance with the policy requirements. In addition, there is policy support within the NPPF which at Paragraph 85 states that '*significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*'. The development would support an existing established business in accordance with the above aspirations of the NPPF.

5.1.4 In addition, the provision of the groundskeeper store would support the existing football club. The NPPF seeks to protect existing sport and recreation facilities and to create new provisions where appropriate, and thus this element is also supported.

5.1.5 Overall, whilst the proposal is contrary to the Development Plan (given its location on the allocated residential site), for the reasons as set out above, the principle of development is supported.

## **5.2 Layout, design and impact on the character and appearance 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 application seeks retrospective planning permission for a portal-frame green coloured metal-clad building on site, which measures 15 by 8 metres with a ridge height of 4.5 metres. Due to its size, scale, siting, design and choice of materials, it would read appropriately with the existing built form on the wider football club site. In addition, it would not appear unduly prominent within this edge of settlement site.

5.2.3 In terms of the proposed changes to the means of enclosure, this would include the cladding of the existing poor-quality 'hoarding', with interwoven timber panels on top of a gravel board. This would be appropriate to the site context and would result in an improvement in terms of visual amenity.

## **5.3 Impact on Neighbouring 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). Policy H4 seeks to ensure development proposals have regard to the impacts upon the amenities of neighbouring properties.

5.3.2 The site is located a distance of around 75 metres from the nearest residential properties to the west. Given this distance, the intervening clubhouse buildings, and the relatively small scale of the development, the uses within the building and outside operations would not result in adverse impacts to neighbours from outlook, noise disturbance of similar. The traffic associated with the development would not result in adverse impacts to neighbours.

5.3.3 The development is retrospective and there have been no complaints regarding the existing use, nor any objections from local residents to the planning application.

5.3.4 Overall, it is considered that the proposals would not result in harm to the amenities of neighbouring residential properties and thus aligns with Policies D1 and H4 of the LDP.

## **5.4 Access, Parking and Highway Safety**

5.4.1 Policy T2 of the LDP 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 (2017) 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.

- 5.4.2 The Highway Authority has assessed the application and conclude that from a highway and transportation perspective, the impact of the proposal is acceptable with no detrimental impact to highway safety, capacity or efficiency.
- 5.4.3 In terms of parking provision, Policy D1 of the LDP requires developments to provide safe and secure vehicle and cycle parking in accordance with the Council's adopted Vehicle Parking Standards SPD which contains the parking standards expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.4 Visitors in relation to the pigeon club would utilise the parking provision within the main football club carpark. This follows the same approach to the earlier pigeon club which utilised the former structure on site. The use is understood to be low-key with limited attendance, and thus the use of the main carpark would not result in on street parking pressures in the locality. The groundskeeper use does not generate additional parking and remains ancillary to the main football club use.
- 5.4.5 In relation to parking for the contractor's yard use, the access would be via the north-eastern corner of the site. Although the site is limited in size, the level of visitors (which does not include visiting members of the public) is also limited and there is space for vehicles to park within the site compound. A condition is imposed to require the submission of details for parking and loading/unloading, which would ensure that there remains adequate parking for the use.
- 5.4.6 Based on the above, it is anticipated that the development would not cause harm in relation to highway capacity or highway safety. The proposal is therefore considered to accord with Policies D1 and T2 of the LDP.

## **5.5 Flooding and Drainage**

- 5.4.7 The application site is located within Flood Zone 1 on the Environment Agency (EA) Flood Map and therefore has a low probability of flooding. Matters in relation to flood risk would not be a constraint to development.

## **5.6 Impact on Ecology, Biodiversity and Landscaping**

- 5.4.8 The application is retrospective with the entirety of the site a sealed surface. As such there would be no implications for ecology.
- 5.4.9 In terms of Biodiversity Net Gain (BNG), as the application is retrospective it falls within one of the exemptions to mandatory BNG.
- 5.4.10 The application site is devoid of existing landscape and there is no soft landscaping proposed. Given the nature and scale of the development there is no requirement for such landscaping to be secured. As set out above, the proposed changes to the means of enclosure would be an improvement in terms of visual amenity.

## **6. CONCLUSION**

- 6.1.1 Part of the application site is located within the strategic site allocation S2(h) within the LDP and is therefore part of the 'Heybridge Swifts' strategic allocation which

plans for a minimum of 101 dwellings. However, the site has not come forward since its allocation, and the Council have reservations that the site is not deliverable given that the existing Heybridge Swifts Football Club would need to be relocated. Indeed, the site has not been included within the Council's 5YHLS calculation for some time. The Council's Policy Section have confirmed that there is no intention to carry forward the allocation into the emerging Local Plan. Therefore, whilst the development is contrary to the Development Plan, the principle of development is supported.

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## **7. ANY RELEVANT SITE HISTORY**

- 7.1 There is no relevant planning history.

## **8. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **8.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Heybridge Parish Council	Support the application subject to any required noise impact assessment being satisfactory.	Addressed within Section 5.3 of the Report.



## 8.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	Advise that from a highway and transportation perspective, the impact of the proposal is acceptable subject to conditions.	Addressed within Section 5.4 of the report.

## 8.3 Internal Consultees (summarised)

8.3.1 None relevant.

## 8.4 Representations received from Interested Parties

8.4.1 There has been two third party letter of representation raising the following comments:

Support Comment	Officer Response
The area identified in this application was used as a dumping ground for pitch cuttings and car park scrapings, with rusty storage shed for pitch maintenance equipment and dilapidated wooden sheds. The developments undertaken have improved the space and compliment the recent renovations taken at the football club.	Noted, addressed in Section 5.2 of this Report.

Comments neither supporting nor objecting	Officer Response
Question parking provision for the pigeon club. Comment that if on road, together with match day parking, would result in vehicles blocking junctions and footpaths, with restricted access for emergency vehicles. Note that Scraley Road is national speed limit with no footpath, and so vehicles parked along the verge necessitate pedestrians having to walk in the centre of the carriageway.	Noted, addressed in Section 5.4 of this Report.

## 9. PROPOSED CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- 3741.02 REV B
- 3741.04 B
- 3741.05

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

2. The contractors yard element of the scheme hereby permitted, shall be restricted to the following hours of use: -

Monday to Friday - 7am till 7pm

Saturday - 7am till 1pm

Sundays and Bank Holiday – closed.

REASON: In the interests of the amenity of the locality and in accordance with Policy D1 of the Maldon Local Development Plan 2017.

3. The height of the external storage shall not exceed 1.8 metres in height, including the height of any racking unit.  
REASON: In the interests of the amenity of the locality and in accordance with Policy D1 of the Maldon Local Development Plan 2017.
4. Within 2 months of the date of this decision, a site plan showing the layout of the external storage areas and detailed parking and turning areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plan.  
REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided, in accordance with Policy T2 of the Maldon Local Development Plan 2017.