

AGENDA
COVID-19 INTERIM MEASURES GROUP
TUESDAY 31 MARCH 2020

1. **20/00183/FUL - Outbuildings, Shrub Hill Farm, Maldon Road, Great Braxted**
(Pages 5 - 20)

To consider the report of the Director of Service Delivery, (copy enclosed).

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)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

iii) Maldon District Council

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

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

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**COVID – 19 INTERIM MEASURES GROUP
31 MARCH 2020**

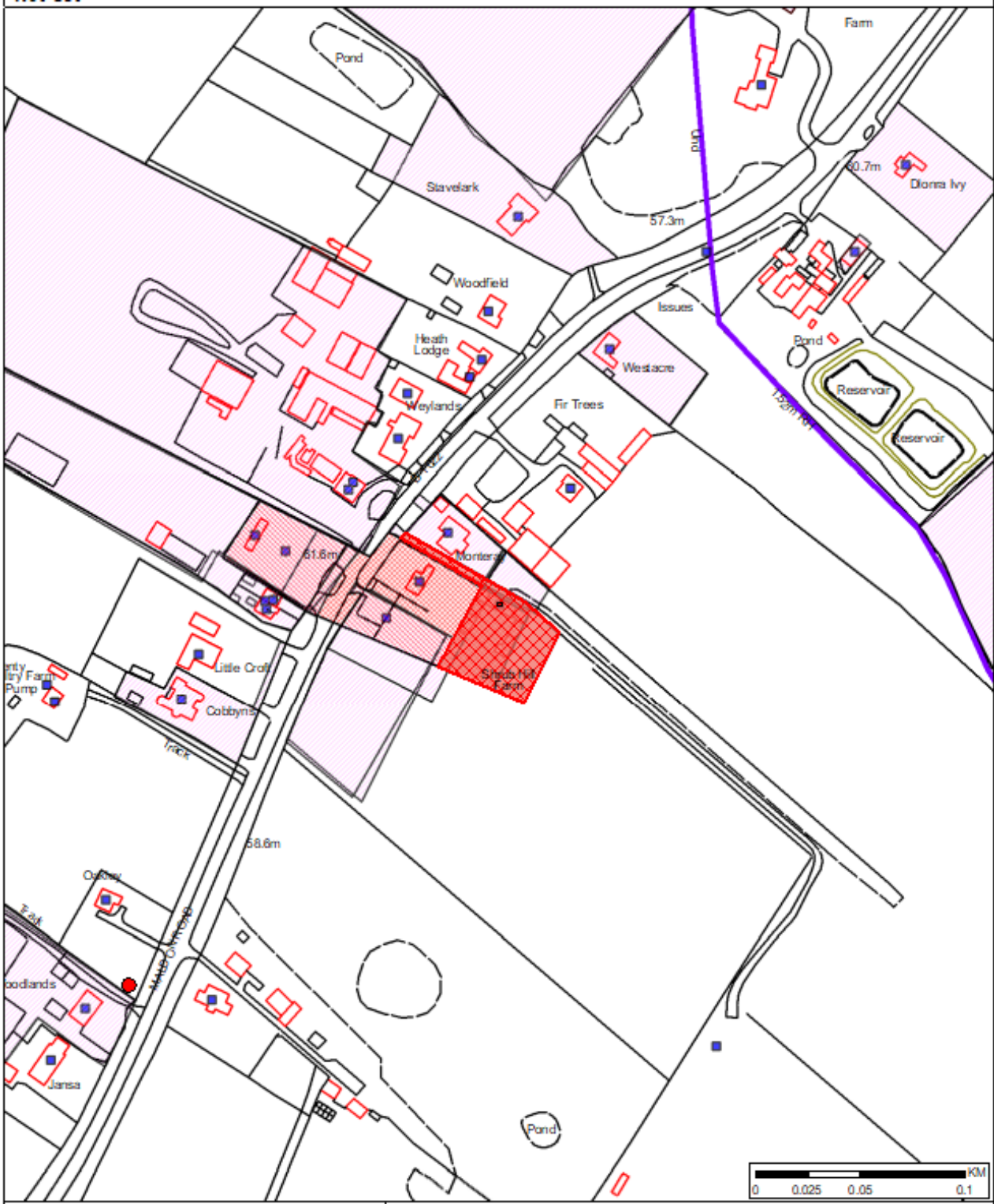
Application Number	20/00183/FUL
Location	Outbuildings Shrub Hill Farm Maldon Road Great Braxted
Proposal	Conversion of farm buildings into a dwelling with single storey extension, detached cartlodge and associated external alterations.
Applicant	Mr J Purdy
Agent	Peter Le Gry's - Stanfords
Target Decision Date	16.04.2020
Case Officer	Hannah Bowles
Parish	GREAT BRAXTED
Reason for Referral to the Committee / Council	Departure from the local plan.

1. RECOMMENDATION

APPROVE subject to a signed Unilateral Undertaking to confirm that the developer will contribute to Essex coast RAMS and the conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the south-eastern side of Maldon Road, outside of a defined settlement boundary. The site is occupied by an agricultural building which is a rough 'U-shape'. Access to the site is gained via an existing access from Maldon Road and an access track which runs along the northern side of the site.
- 3.1.2 The application site is set back from the public highway, where there is a cluster of commercial and residential development. The site is located to the rear of three residential dwellings with open countryside to the north, east and south of the site.
- 3.1.3 Planning permission is sought for the conversion of the existing building to a dwellinghouse and associated alterations which include a single storey extension, detached cartlodge and introduction of a mezzanine floor and roof lights. The proposed dwelling would provide a kitchen, living room, dining room, lounge, study, TV room, utility room, WC and three bedrooms all with en-suites at ground floor level and a bedroom, dressing room and en-suite at first floor level.
- 3.1.4 The external alterations to the building include the introduction of window and doors, the extension of existing openings, the infilling of open sided elements of the building with walls and windows and the raising of the roof and introduction of a pitched roof over an existing low-level flat roof element. The proposed single storey extension would measure 8.81m wide, 2.76m deep and 4.11m to the ridge, it would form two front facing gables which project into the proposed courtyard. The proposed cartlodge would measure 6m by 6m with a ridge height of 4.17m. The proposed mezzanine floor would have a floor area of approximately 72sqm and would be served by six rooflights.
- 3.1.5 The application site and building subject of this application benefits from approved permission reference 18/00730/COUPA which granted prior approval for the change of use of the agricultural building to a dwellinghouse. The permission is extant and could be implemented and therefore provides a fall-back position of significant weight.
- 3.1.6 The changes to the proposed scheme when compared to that approved under reference 18/00730/COUPA are as follows:
- Single storey extension
 - Mezzanine floor and six rooflights
 - Cartlodge and associated hardstanding
 - Change of a flat roof element to pitched resulting in a height increase of around 1.1m.
 - Change to the fenestration scheme which results in an overall increase in the level of glazing.
 - The area of the site has increased, an area of 595sqm was outlined in red under application 18/00730/COUPA (this did not include the access track to the site). An area of approximately 2400sqm has been outlined in red under this application; this includes the access track, and land to the east and south of the building.

3.2 Conclusion

- 3.2.1 The proposed development is located outside of a defined settlement boundary and thus, is in principle contrary to policies that seek to direct new residential development to established settlements. However, the conversion of the agricultural building to a residential dwelling was recently approved under prior approval (18/00730/COUPA) and this fall-back position is a material consideration in the determination of this application. The proposal would not result in additional detrimental harm to the character of the area to such a degree as to warrant the refusal of the application, when compared against the fall-back position. The development is considered to be acceptable in terms of design, impact on the residential amenity of the neighbours and the future occupiers. The development would not have detrimental impact on the highway network and safety. Therefore, the development subject to appropriate conditions is considered to be acceptable.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 102 – 111 Promoting sustainable transport
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 The application site is located outside of a defined settlement boundary, within the open countryside. Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 Although the proposed development would be contrary to the abovementioned policies of the LDP, as noted above, a prior approval application for the conversion of the barn to a dwellinghouse was previously approved. Therefore, there is potential for the agricultural building to be used as a residential unit. The permission is extant and could still be implemented and the Council consider there to be no obvious reasons as to why this would not be implemented. Therefore, it is a material consideration of substantial weight which is considered to outweigh the conflict with the policies of the LDP in this instance.
- 5.1.4 Therefore, in this particular instance, it is not considered reasonable for the application to be refused in principle.
- 5.1.5 In reaching this decision regard has been had for appeal decision reference APP/X1545/W/18/3194812 (17/00860/FUL) which allowed permission for the ‘conversion of barn to residential, alterations to existing openings, together with insertion of new windows and rooflights, replacement of external wall and roof cladding’ at Little Ashtree Farm Steeple Road Mayland. This application is similar to the current case as the full application followed the approval of a prior approval application for the conversion of an agricultural building to a dwellinghouse, providing the same fall-back position. The following extracts from the appeal decision are considered to be relevant:

‘Although the prior approval process is separate to the planning application process and I appreciate that there are a number of small differences between the proposed development and the approved scheme, there is a realistic prospect of the approved scheme being implemented in the event that this appeal fails. Furthermore, there is no evidence that the fallback position could not be implemented. This would result in a very similar residential development being brought forward on the appeal site. Therefore, while it should not automatically guarantee planning permission for residential development, the fallback position is an important material consideration that carries significant weight for the purpose of my decision.’ The appeal Inspector goes on to conclude that ‘Concluding on this main issue, despite the conflict with LP policies S1, S2, S8 and H4 and paragraphs 7, 8, 102 and 103 of the revised

Framework, the existence of a realistic fallback position is an important material consideration which indicates that the development would be acceptable in this instance.'

5.2 Design and Impact on the Character of the Area

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;*
- b) Height, size, scale, form, massing and proportion;*
- c) Landscape setting, townscape setting and skylines;*
- d) Layout, orientation, and density;*
- 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.'*

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

5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely

impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

- 5.2.6 The proposal is for the conversion of the existing agricultural building to a dwellinghouse. The existing building is a 'U' shaped range of buildings constructed of red brick with varying roof materials. The building is set back from the public highway by approximately 52m, accessed by an existing access track leading to the farm. The track runs between two residential dwellings which are located to the west of the building on the application site.
- 5.2.7 The single storey extension is considered to be a minor addition which respects the form of the existing agricultural building. The change to a 5m wide section of flat roof to a pitched roof form is considered to be acceptable, the ridge height of the roof would remain lower than that of roof forms to which it connects, ensuring it remains subservient. Whilst the changes to the fenestration detailing does result in a higher level of glazing than the development granted under the extant permission, it is not considered to result in an unreasonable level that would detract from the agricultural form of the existing building. It is also noted that floor to ceiling glazing was approved under the previous permission and therefore, this element is not objected to. The proposed roof lights are a minor addition and it has been confirmed that they would be a conservation type roof light, which would not project above the roof plane of the building.
- 5.2.8 In addition to the above external changes to the building, the garden area would extend further out towards the countryside to the east and south. However, given the abundance of undeveloped countryside to the east and south of the site, it is not considered that the extension of the proposed garden land would be harmful enough to warrant a reason for refusal. The proposed cartlodge is a structure typically found in association with a residential use and would be sited to the east of the dwelling, largely shielded from public views, there is no objection to the visual impact of the cartlodge.
- 5.2.9 The external alterations and amendments proposed compared to the previously approved application are considered to be fairly minor and would not be materially harmful to the appearance of the existing barn or site considering the domestication that could occur on the site under extant permission 18/00730/COUPA.
- 5.2.10 The proposed materials to be used in the conversion have not been specified within the application. A condition to ensure the materials used for the infilling of walls and the creation of the window and door openings match those used on the existing building will be imposed.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the

human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.3.2 The application site has two adjoining neighbouring dwellings both of which flank the access track which will be utilised by the future occupants of the proposed dwelling. The dwelling at 'Shrub Hill Farm' is located to the south west of the subject building with a separation distance of around 25m. The dwelling at 'Monterey' is located to the north west of the building with a separation distance of around 19m and is located on the opposite side of the access track to the proposed dwelling.
- 5.3.3 The residential use of the site for a four bedroomed dwelling has been granted and therefore an objection in relation to the use or number of vehicular movements to and from the site, would be unreasonable. Given the minor external alterations, it is not considered that the proposal would result in domination to the neighbouring properties or a loss of light. In terms of overlooking given the orientation of the dwelling in relation to 'Monterey' there are no concerns with regards to overlooking. The side elevation of the building faces the rear boundary of 'Shrub Hill Farm' however, the windows within this side elevation would be at ground floor level and the existing boundary treatment would negate any issues with regards to overlooking.
- 5.3.4 No other residential dwellings are within sufficient proximity to be impacted by the proposed development.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 An existing access and track would be utilised by the future occupiers of the dwelling. An area of hardstanding is proposed, it would form a track from the existing access track to the proposed cartlodge and a turning area. The Highway Authority has been consulted but a response has not been received at the time of writing this report. An update will be provided via the members update if a response is received. However, it is not considered likely that an objection would be raised in terms of the access or highway safety.
- 5.4.4 The proposed dwelling would accommodate four bedrooms which results in a requirement of three off street car parking spaces. The proposed cartlodge would provide space to park two cars and a further space could be provided on the hardstanding to the front of the cartlodge.
- 5.4.5 Therefore, given the above no concerns, at this time, are raised in terms of access, parking or highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The private amenity space would be located to the rear and eastern side of the proposed dwelling. Given the 'U' shape of the existing building there will be a courtyard area, in addition to land immediately adjacent to the rear and eastern side of the dwelling. The private amenity space would be in excess of the recommended standard of 100m² in accordance with the policy requirement contained within Policy D1 and the MDDG. Therefore, no concerns in this respect are raised.
- 5.5.3 No details, in respect of the hard and soft landscaping, with the exception of the hardstanding associated with the cartlodge, have been provided with the application submission. Therefore, a condition has been recommended to ensure full hard and soft landscaping details and proposed boundary treatments are submitted to the LPA for approval.

5.6 Other Material Considerations

Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance Mitigation Strategy (RAMS).

- 5.6.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.

- 5.6.2 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.6.3 Prior to the RAMS being adopted, Natural England advised that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) - Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.6.4 The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a likely significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.6.5 The proposal is for a new dwelling and Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.6.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling.

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

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

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

Summary of appropriate assessment

- 5.6.7 The application proposes the erection of a dwelling. Given that the site is located within a zone of influence (ZoI) for the Essex Coast RAMS, it is expected that the development would have likely significant effects on identified European sites. An appropriate assessment should therefore be carried out to assess the implication of the proposed development on the qualifying features.
- 5.6.8 The Essex Coastal Recreational Avoidance and Mitigation Strategy is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £122.30 and thus, the developer contribution should be calculated using this figure. As the proposal is one dwelling a fee of £122.30 would be required. The developer has been sent the legal agreement to sign and submit to the Council, to secure the abovementioned contribution. Therefore, should this be forthcoming the impact of the development will be considered to be mitigated. An update in this respect will be provided on the Members' Update.

Foul drainage

- 5.6.9 A brochure for a small scale package treatment plant has been provided in order to try and prevent a foul drainage condition being imposed. However, the details provided give no indication how and where the final effluent is to be discharged. The general binding rules issued by the Environment Agency (EA) require it either to go to drainage field or into the ditch which in normal conditions has a flow. To use a drainage field for the final effluent it needs to be demonstrated that the ground conditions are such to allow it to properly drain. The problem with discharge into a ditch is finding one that in normal weather conditions has a flow. Therefore, given the absence of sufficient details, it will be recommended that a foul drainage condition is imposed.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
90/00204/FUL	First floor extension. Replacement of windows. Render of façade	Approved: 02.04.1990
99/00034/FUL	Change of use of redundant barns to workshops and offices	Refused: 08.03.1999
99/00206/FUL	Change of use of redundant barns to workshops and offices	Approved: 12.04.1999
15/00564/COUPA	Prior approval for a proposed change of use of agricultural building to a dwellinghouse.	Prior Approval Refused: 08.07.2015
15/00873/COUPA	Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior Approval Approved: 28.09.2015
18/00349/COUPA	Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class	Refused: 06.06.2018

Application Number	Description	Decision
	C3)	
18/00730/COUPA	Prior approval of proposed change of use of agricultural building to a dwellinghouse (Class C3)	Prior approval granted.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

8. APPROVE SUBJECT TO A SIGNED UNILATERAL UNDERTAKING AND THE FOLLOWING PROPOSED CONDITIONS

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Location Plan, 1250/01, 1250/02, 1250/03, 1250/04A, 1250/05, 1250/06, 1250/07 and 1250/08A.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials to be used in the construction of the external surfaces of the extension, change in roof form and window and doors shall match those used in the existing building
REASON To ensure the external materials to be used in the development would be appropriate to the area in accordance with Policy D1 of the Maldon District Local Development Plan.
- 4 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);

- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

REASON To ensure the soft and hard landscaping is appropriate to the area and in the interest of visual amenity in accordance with Policy D1 of the Maldon District Local Development Plan.

- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON To ensure the boundary treatments are appropriate to the area and in the interest of visual amenity in accordance with Policy D1 of the Maldon District Local Development Plan.

- 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer

network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON

To ensure that an appropriate surface water drainage scheme to serve the development is implemented in accordance with Policy D2 of the Maldon District Local Development Plan.

- 7 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To ensure that an appropriate foul drainage scheme to serve the development is implemented in accordance with Policy D2 of the Maldon District Local Development Plan.

- 8 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no extensions, roof extensions, alterations, outbuildings, hardstanding or fencing shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON To protect the visual amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan

INFORMATIVES

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

- 2 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b. No dust emissions should leave the boundary of the site;
 - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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 a 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.

4. Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials. It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.
5. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

6. It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects, it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.

9. **DELEGATED AUTHORITY**

<p>Case Officer:</p> <p>Signature: Date:.....</p> <p>Delegated Authority:</p> <p>I, the undersigned, agree with the Officer's recommendation above after taking into account the content of the Officer's report, plans, supporting documents, consultation responses and any and all relevant material considerations subject to any comment I have made below.</p> <p>Signature: Date:.....</p> <p>Comments:</p>
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