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

08 December 2020

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 16 DECEMBER 2020 at 6.00 pm.**

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Mrs M E Thompson

VICE-CHAIRMAN

Councillor J V Keyes

COUNCILLORS

M F L Durham, CC
Mrs J L Fleming
K W Jarvis
C P Morley
R H Siddall
Miss S White

Please note: Electronic copies of this agenda and its related papers are available via the Council's website www.maldon.gov.uk.

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**AGENDA
NORTH WESTERN AREA PLANNING
COMMITTEE**

WEDNESDAY 16 DECEMBER 2020

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 12)

To confirm the Minutes of the meeting of the Committee held on 18 November 2020, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **20/00493/FUL - Land South Of Beckingham Business Park, Beckingham Street, Tolleshunt Major** (Pages 13 - 64)

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

6. **20/00954/FUL - Barns at Lower Farm, Blind Lane, Tolleshunt Knights** (Pages 65 - 80)

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

7. **20/00955/FUL and 20/00956/LBC - Bohuns Byre Church Street, Tollesbury** (Pages 81 - 108)

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

8. **20/00974/HOUSE - 19 Blind Lane, Goldhanger** (Pages 109 - 116)

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

9. **20/01000/OUT - Building at The Old Dairy, Broad Street Green Road, Great Totham** (Pages 117 - 132)

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

10. **20/01021/FUL - Land Rear of Hill Barn Rectory Lane, Woodham Mortimer** (Pages 133 - 144)

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

11. **20/01083/HOUSE - Fir Trees, Maldon Road, Tiptree** (Pages 145 - 154)

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

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

Reports for noting:

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and is available on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5 - 11.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation. The first person to register in each category will be sent a Microsoft Teams invitation which will allow them to join the 'live' meeting to make their statement.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

BACKGROUND PAPERS

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

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

Development Plans

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

Legislation

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

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

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

ii) Essex County Council

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

iii) Maldon District Council

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

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

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**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
18 NOVEMBER 2020**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, K W Jarvis, C P Morley and R H Siddall
In attendance	Councillors Mrs P A Channer, CC, and C Morris

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. She took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Miss S White.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 21 October 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest in all items on the agenda as a Member of Essex County Council who were statutory consultees on a variety of matters relating to Planning.

In relation to Agenda Item 5 20/00910/FUL – Land Adjacent to Little Totham Hall Church Lane, Little Totham the following declarations were made:

- Councillor J V Keyes declared a non-pecuniary interest as he knew the applicant; he had done haulage for them in a previous job and went through Young Farmers with them.
- Mrs J L Fleming declared that she knew the applicant well and although she would remain in the meeting she would not comment or vote on the application.

5. **LAND ADJACENT TO LITTLE TOTHAM HALL, CHURCH LANE, LITTLE TOTHAM**

Application Number	20/00910/FUL
Location	Land Adjacent To Little Totham Hall Church Lane, Little Totham
Proposal	Demolition and rebuild outbuilding for use as an annexe for dependant relatives
Applicant	Mr & Mrs Ashcroft
Agent	Mr Peter Le Grys - Stanfords
Target Decision Date	02.11.2020
Case Officer	Hannah Bowles
Parish	LITTLE TOTHAM
Reason for Referral to the Committee / Council	Member Call In from Councillor R H Siddall: D1 design quality and enhancement, S8 outside the settlement boundary and D3 Conservation

Following the Officer's presentation, the Chairman moved the Officer recommendation that planning application 20/00910/FUL – Land Adjacent to Little Totham Hall Church Lane, Little Totham be refused for the reasons as detailed in section 8 of the report, this was duly seconded.

Councillor R H Siddall having called the application in, opened the debate by drawing Members' attention to the dilapidated nature of the existing building, its central location within the farmyard, it's screening from the listed church by a large agricultural barn, and that in accordance with Policy D1 of the Local Development Plan (LDP) it would enhance the design and quality of the area.

In response to questions from Members, clarification was given by Officers as to the distance of the proposed annexe from the main dwelling and that the proposal was for a rebuild of the existing building. The Lead Specialist Place agreed that several criteria for an annexe had been met however there was a need for the building to be ancillary to the main dwelling.

The Chairman put the Officer's recommendation to refuse the application to the Committee and upon a vote being taken it was lost.

Further discussion ensued as to the building's central location within the site and its ancillary nature. Councillor J V Keyes proposed that due to the nature and proximity of the site layout of the property it did meet the criteria for being an annexe to the main dwelling and that the application be approved contrary to the Officer's recommendation. This was duly seconded and upon a vote being taken it was approved.

RESOLVED that the application be **APPROVED** subject to conditions delegated to the Lead Specialist Place in consultation with the Chairman and Ward Members.

There being no further items of business the Chairman closed the meeting at 6.41 pm.

MRS M E THOMPSON
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

Application Number	20/00493/FUL
Location	Land South Of, Beckingham Business Park, Beckingham Street, Tolleshunt Major
Proposal	Erection of 13No. Business & General Industrial Units (Use Classes B1b, B1c and B2), Office Block (Use Class B1a) and Cafe (Use Class A3), complete with related infrastructure including road, parking spaces, drainage, landscaping and ecological area
Applicant	Mr J. Baker - Beckingham Business Park Developments Limited
Agent	Mr Chris Loon - Springfields Planning And Development
Target Decision Date	11.09.2020 EOT 25.11.2020
Case Officer	Julia Sargeant
Parish	TOLLESHUNT MAJOR
Reason for Referral to the Committee / Council	Major Application Member Call in by Councillor R H Siddall – reasons for call-in: S1 sustainable development, D1 its scale and design, S8 settlement boundary, and the impact on highways and transport

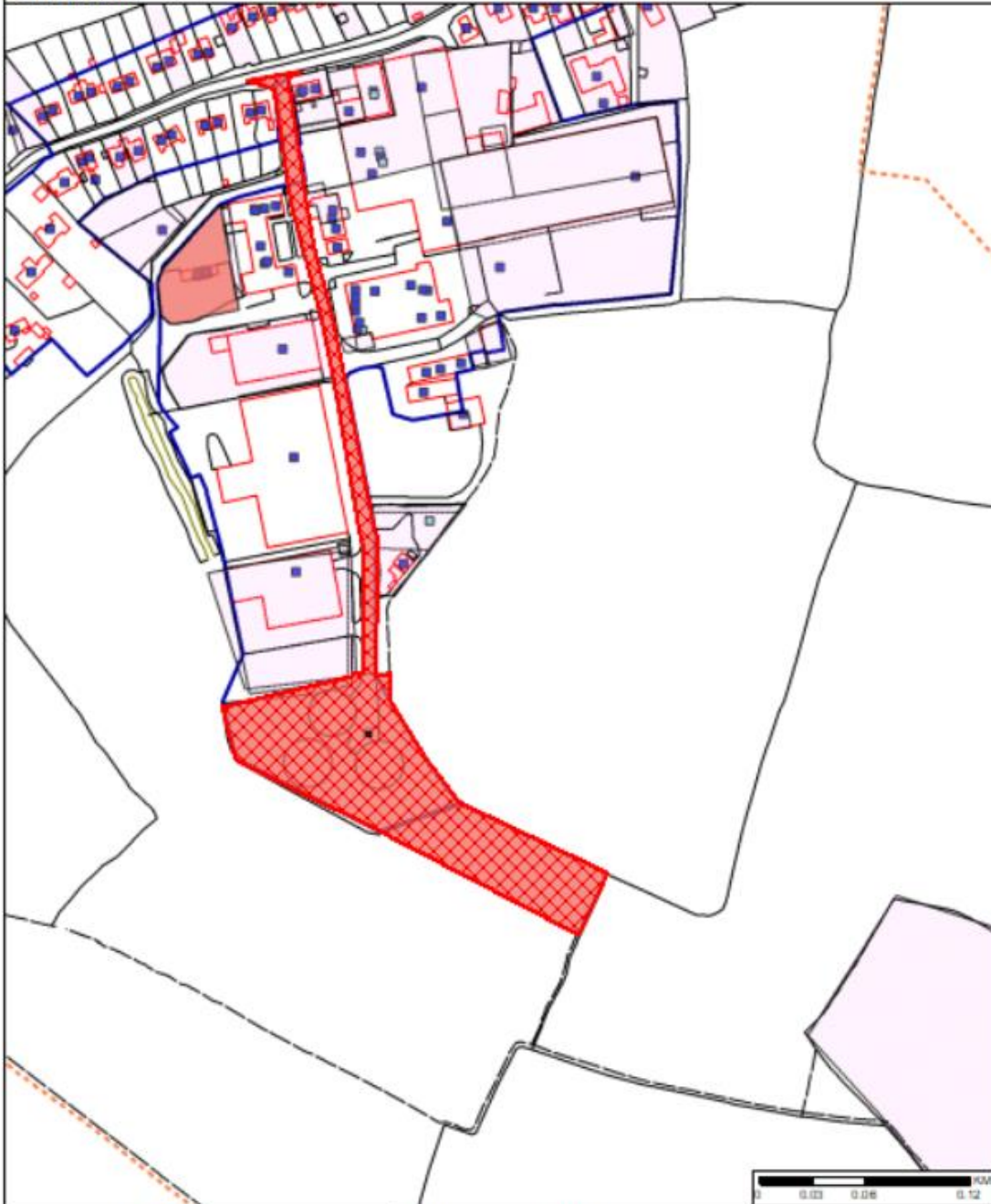
1. RECOMMENDATION


APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see overleaf.

Land South of Beckingham Business Park, Beckingham Street, Tolleshunt Major
20/00493/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. It is Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:3,000
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	01/12/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Site Description

- 3.1.1 The application site relates to a parcel of land measuring 1.35 ha located at the southern end of the existing Beckingham Business Park. The application site comprises the spine road through Beckingham Business Park, a parcel of land upon which previously stood three large fruit washing drums (concrete bases still in place) and is now used partially for storage purposes, as well as a section of an agricultural field. The application site is therefore bounded by the existing Beckingham Business Park to the north and by agricultural land to the east, south and west.
- 3.1.2 Beckingham Business Park is a designated employment site (reference E1(a)) within the approved Local Development Plan (LDP) policy E1. The area where the new industrial units and associated infrastructure is proposed is also allocated employment land under policy E1 as well as being located within the development boundary for Tolleshunt Major.

3.2 Proposal

- 3.2.1 Planning permission is sought for the erection of 13No. business and general industrial units (use classes B1b, B1c and B2), an office block (use class B1a) and a cafe (use class A3), complete with related infrastructure including road, parking spaces, drainage, landscaping and ecological area. The proposed industrial units, office block and café with all associated parking and infrastructure would be located within the designated employment site E1(a) with an area for drainage mitigation and ecological improvement located outside of the designated employment site on part of an agricultural field.
- 3.2.2 It should be noted that at the time this application was submitted the Use Classes referred to within the description of development, and the paragraph above, were correct. Whilst the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect from 1st September 2020 the guidance in relation to this states that:
- “If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes.”*
- 3.2.3 This application will therefore be determined having reference to the use classes referred to within the description of development in accordance with the above guidance.
- 3.2.4 The application relates to the expansion of the existing Beckingham Business Park. The proposed additional units would be accessed via the existing spine road which serves Beckingham Business Park which would continue south into the application site. The section of the application site which would form the expansion of the Business Park is an irregular shaped parcel of land. Five industrial units would be positioned in a line to the east of the access road, and eight to the west and south. The

proposed office block would be located to the immediate south of the access road. The proposed new industrial units and office block would form an almost U shape of built form around a central triangle in the centre of the site which would contain a small café, parking and some soft landscaping. The access road would circle around this central point in the development with additional parking to the front of each unit as well as to the northern and eastern site boundaries.

- 3.2.5 To the south west of this main section of the application site an area for ecological mitigation and drainage is proposed which will include an attenuation pond as well as a new wild flower and wildlife meadow and the formation of new indigenous tree copses. The land whilst owned by the applicant is currently rented to a local farmer, and forms part of the connection between the two arable fields on the east and west of the application site. This access will be maintained via a 4m field track which will join up via a new gate to the existing bridge over the ditch in the east and a new gate in the west. This will allow farming procedures to continue and the two fields will still be linked together for the purposes of agricultural production.
- 3.2.6 The proposed industrial units have been designed with asymmetrical pitched roofs and would be located in two blocks, one to the east of the access road which would contain 5 units (Block A) and one to the west and south of the access road which would contain 8 units (Block B). There would be a variation in terms of the width of the industrial units to offer a variety of unit sizes. Within Block A four units would measure 8 metres wide and one would measure 16 metres wide, the height to eaves of the block would be 3.5 metres to the front and 5.4 metres to the rear with an asymmetrical pitched roof reaching a maximum ridge height of 7.7 metres. The overall depth of the block would be 10 metres with the overall width measuring 48 metres.
- 3.2.7 Block B wraps around the south western corner of the application site and would measure a maximum of 62 metres along the southern boundary and 31 metres along the western boundary with six units measuring 9 metres wide and two measuring 11.4 metres wide at their frontages. The height to eaves of the block would be 3.5 metres to the front and 5.4 metres to the rear with an asymmetrical pitched roof reaching a maximum ridge height of 7.7 metres.
- 3.2.8 Each industrial unit would contain an open plan workshop space at ground floor level along with secure cycle parking, unisex disabled WC and a smaller office space at first floor level with a further WC.
- 3.2.9 The proposed office block would be located to the south of the access road and would act as a visual stop to the development. It would have a square plan form measuring 16 metres wide by 16 metres deep with an eaves height of 5.6 metres and a pitched roof reaching a maximum height of 7.5 metres. It should be noted that the pitched roof would be a type of dummy pitched roof with the main section of the roof comprising a lower flat roof which would not be visible. Internally the office block would contain open plan office space along with toilet facilities.
- 3.2.10 All of the proposed industrial units as well as the office block will have a red brick plinth with silver grey aluminium cladding to the walls and light grey colour coated aluminium sheeting with standing seam for the roofs. The windows will be dark grey aluminium double glazed with all external doors to be of varying individual colours.

- 3.2.11 A small café is also proposed as part of the development which would be located centrally within the site. The café would be roughly rectangular in form, although the rear northern wall would extend beyond the internal floor area with an external canopy roof to create a covered seating area. The building measurements would be approximately 9 metres wide by 4.5 metres deep with a pitched roof reaching a maximum height of 3.6 metres and an eaves height of 2.4 metres. The rear northern wall of the café would extend to 15.6 metres in length to give some protection for the outdoor seating area. The café would be built of red brick with the same colour coated aluminium sheeting with standing seam in light grey to the roof. The windows would be dark grey aluminium with the external door an individual colour and shown purple on the submitted plans.

3.3 Conclusion

- 3.3.1 The Beckingham Business Park is a designated employment site (reference E1(a)) within approved LDP policy E1. The area where the new industrial units and office block with associated infrastructure is proposed is also allocated employment land under policy E1 as well as being located within the development boundary for Tolleshunt Major where there is no objection in principle to new development. Furthermore, the provision of an area for ecological mitigation and drainage is supported by Policy N2 which states that: *‘All developments should seek to deliver net biodiversity and geodiversity gain where possible.’* It is therefore considered that the principle of the development is accepted.
- 3.3.2 LDP policy E1 states that ‘The Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS). A minimum of 2,000 net additional jobs will be created in the District by 2029.’ Policy E1 goes on to state that this will be achieved partly through the regeneration and expansion of existing employment sites. Furthermore, the EPS has identified a set of strategic interventions for the District which includes increasing the supply of high-quality business premises which this proposal will do. The proposal would therefore result in economic benefits to the locality and provide new high quality employment units and generate jobs in line with LDP policy E1 as well as the guidance contained within the National Planning Policy Framework (NPPF).
- 3.3.3 In terms of design and visual impact the proposed built development, whilst including variation in form and detailing, would be of a similar architectural style and design which is considered to reflect the existing industrial park as well as creating a cohesive and well thought out extension to the business park. Whilst the proposed built form will be visible from the surrounding roads and footpaths and will have an impact upon the wider countryside, it would be viewed in the context of the existing business park, which will form a backdrop to the development. Furthermore, a comprehensive soft landscaping scheme which includes the use of native species is proposed which will soften the impact of the proposal.
- 3.3.4 A number of concerns have been raised in relation to the proposal from Parish Councils as well as local residents. A main objection to the proposal relates to traffic generation and impact upon the local road network. However, Essex County Council (ECC) Highways Authority have been consulted on the application and advise that

from a highway and transportation perspective, the impact of the proposals is acceptable subject to conditions. The site already benefits from a safe and suitable access onto the highway and the Highways Authority is satisfied that the number of trips generated by the proposals is not expected to have a significant impact on the local highway network. Furthermore, the proposed development would accord with the adopted Vehicle Parking Standards (VPS) and whilst the site is not located in a settlement that benefits from good public transport links a framework travel plan is to be secured through a legal agreement to minimise single occupancy vehicle movements as much as practicable. On this basis the proposal is considered to be acceptable from a highway and transportation perspective.

- 3.3.5 During the consultation period it was noted that the local Little Totham Water Recycling Centre (WRC) does not currently have capacity to deal with any flows from the proposed development. However, it must be noted that neither Anglian Water nor the Environment Agency (EA) are objecting to the development. The EA have requested a condition to restrict occupancy of the development until there is confirmed permitted capacity at the WRC. On this basis the development is considered to be acceptable as the condition would prevent any occupation or use of the development (when wastewater would need to be dealt with) until any necessary upgrade works had taken place which would prevent damage to the water quality downstream. This approach is consistent with appropriate caselaw and appeal decisions.
- 3.3.6 Overall and having regard to the Framework's definition of sustainable development it is considered that the proposed development would represent sustainable development and accords with the policies within the approved Maldon District Local Development Plan (MDLDP) as well as the guidance within the NPPF.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable Development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning Conditions and Obligations
- 80-82 Building a strong competitive economy
- 91-94 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

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

4.4 Necessary Associated Infrastructure Improvements Required

- Submission of an updated workplace travel plan accompanied by a monitoring fee of £5,000.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with the Development Plan 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 NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives that are mutually dependent upon each other and need to be balanced. These are the economic, social and environmental objectives. This requirement is carried through to local policies via policy S1 of the approved LDP which emphasises the need for sustainable development.
- 5.1.3 Policies S1, S2 and S8 of the approved MDLDP 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.
- 5.1.4 The Beckingham Business Park is a designated employment site (reference E1(a)) within approved LDP policy E1. The area where the new industrial units and office block with associated infrastructure is proposed is also allocated employment land

under policy E1 as well as being located within the development boundary for Tolleshunt Major where there is no objection in principle to new development. The section of the application site proposed to be used for ecological mitigation and drainage comprises part of an agricultural field and is located outside of the development boundary for Tolleshunt Major.

- 5.1.5 Policy E1 is clear in its designation of the application site as employment land which LDP policy E1 states are to be retained and protected for Class B Uses as specified and Sui Generis uses of an employment nature. Policy E1 also states that the Council will encourage employment generating development and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). The Council's EPS seeks (amongst other things) the regeneration and improvement of existing industrial zones in viable locations and the Maldon District Employment Land Review (May 2015) outlines the existing Beckingham Business Park as one of the largest employment sites in the District.
- 5.1.6 As the proposed new employment units and associated infrastructure are all proposed on land that is allocated within the approved LDP for employment uses there is no objection to the principle of the development. It is noted that LDP Policy E1 states that *'Proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings will be viewed favourably...'* In this case the proposal is to develop designated employment land that is currently vacant and underused and is therefore compliant with LDP Policy E1.
- 5.1.7 Furthermore, the land where the proposed new employment units and associated infrastructure are proposed is considered to represent brownfield land in that it has previously been used as part of the larger previous use of the whole site as a processing plant for Goldhanger Fruit Farms. The application site was used as part of a fruit canning plant and the application site was the position of the three large fruit washing drums and the three large concrete bases of the washing drums can still be seen on site from aerial views.
- 5.1.8 The proposal also includes a small café which falls within an A3 use which is not an employment use specified with Policy E1 as appropriate for the Beckingham Business Park. However, Policy E1 does state that *'Complementary and supporting uses may be considered acceptable where they serve an essential ancillary function to the employment area and will not result in a material change of the area's Class B character and function.'* It is considered that the café proposed is of a small scale (approx. 32m² internal floor area) and would be considered a complementary and supporting use that would not result in a material change in the area's Class B character and function. Given the small scale of the proposed café and its location to the very south of the Beckingham Business Park it is considered that the café would not be a destination café and would not directly compete with the public house located in Tolleshunt Major.
- 5.1.9 In relation to the area for ecological mitigation and drainage this area of the site is located outside of the development boundary for Tolleshunt Major and relates to agricultural land. Policy S8 states that outside settlement boundaries 'planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon' and provided it is for a development within a prescribed list as set out within the policy. Therefore, there are

special circumstances where planning permission for development outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations may be granted provided that the intrinsic character and beauty of the countryside is not adversely impacted upon. One of the exceptions set out within Policy S8 for acceptable uses in the countryside, is ‘*b) Employment generating proposals (in accordance with Policy E1)*’ and a further exception is ‘*j) Green infrastructure, open space and sports facilities (in accordance with policies N1, N2 and N3)*’.

- 5.1.10 As detailed above the proposal is considered to be compliant with Policy E1 and the provision of an area for ecological mitigation is supported by Policy N2 which states that: ‘*All developments should seek to deliver net biodiversity and geodiversity gain where possible.*’ It is therefore considered that the principle of the development is accepted. It is however still necessary to consider all other material considerations in relation to the development, including the impact of the proposal upon the character and beauty of the countryside, which will be assessed in detail below.

5.2 Employment

- 5.2.1 The District’s economy comprises employment in high quality manufacturing, construction, business and light and general industry, as well as employment in sectors such as education, health, retail and tourism. All these sectors have a positive contribution to the local, regional and national economy.
- 5.2.2. As detailed above the section of the application site where the new employment uses are proposed is designated employment land under policy E1 and therefore there is no objection to the principle of the development. The proposal includes a range of employment uses of varying sizes to offer a range of units to meet differing business needs. The proposed accommodation is as follows:

	Number of Units	Area per unit (m2)	Total Area (m2)	Grand Total (m2)
Block A – to east of access road				
Type 1	4	99	396	
Type 2	1	200	200	
Block B – to west and south of access road				
Type 3	5	186	930	
Type 4	1	387	387	
Type 5	2	237	474	
			2387	2387
Office				
Ground floor		234	234	
First floor		270	270	
			504	504
Cafe				

Ground floor			32	32
				2923

- 5.2.3 The Planning Statement submitted in support of the application states that Blocks A and B would comprise 13 individual units within Use Classes B1(b), B1(c) and B2 with the range of sizes proposed to give commercial flexibility within the development and widen its appeal. Whilst these units incorporate a small mezzanine office area, this would not be the primary use. Block C is an office building for use class B1(a). The café would be considered as an ancillary use within the main employment allocation as detailed above.
- 5.2.4 The supporting information estimates that once the units are fully occupied there could be between 112 – 122 people employed at the site. This is considered to weigh heavily in favour of the development which is on allocated employment land. The NPPF states at paragraph 80 that *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.’* This is echoed in LDP policy E1 which states that *‘The Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS). A minimum of 2,000 net additional jobs will be created in the District by 2029.’* Policy E1 goes on to state that this will be achieved partly through the regeneration and expansion of existing employment sites. Furthermore, the EPS has identified a set of strategic interventions for the District which includes increasing the supply of high-quality business premises which this proposal will do.
- 5.2.5 Additional information submitted in support of this application relates to the need for the proposed development and includes letters from commercial agents which support the proposal and advise that there is strong demand for the proposal with limited stock currently available. Whilst this information demonstrates that there is demand for the proposal it should be noted that the proposed employment units are all to be located on allocated employment land and there is no requirement within the LDP for any further need to be established.
- 5.2.6 It is therefore considered that the proposal would result in economic benefits to the locality and provide new high quality employment units and generate jobs in line with LDP policy E1 as well as the guidance contained within the NPPF.

5.3 Layout, Scale, Design and Impact on the Character of the Area

- 5.3.1 Part of the environmental role of sustainable development as referred to in the NPPF, is that 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. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

- 5.3.2 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context. Furthermore, part of the application site lies outside of the defined settlement boundary and 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.
- 5.3.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.4 The application site is located to the south of the existing Beckingham Business Park with agricultural land to the east, south and west. The application site falls within landscape type Coastal Farmed Landscape (E1 – Tolleshunt Coastal Farmland). This coastal farmland is the hinterland to the North Blackwater Estuary. The Landscape Character Assessment (2006) describes the overall character as *‘It is a gently sloping landscape of mainly arable crops, with some horse pasture near settlements. Fields are semi regular and large. Tall remnant elm hedgerows bound the fields, and coniferous windbreaks can be seen in some places. Extensive hedgerow loss in many places gives the appearance of a large-scale field pattern.’*
- 5.3.5 The proposed development would result in an increase in built form on the application site, extending the existing built form at Beckingham Business Park further south. The proposed industrial units have been designed with asymmetrical pitched roofs and would be located in two blocks, one to the east of the access road which would contain 5 units (Block A) and one to the west and south of the access road which would contain 8 units (Block B). There would be a variation in terms of the width of the industrial units to offer a variety of unit sizes. The height to eaves of the block would be 3.5 metres to the front and 5.4 metres to the rear with an asymmetrical pitched roof reaching a maximum ridge height of 7.7 metres.
- 5.3.6 The proposed office block would be located to the south of the access road and would act as a visual stop to the development. It would have a square plan form measuring 16 metres wide by 16 metres deep with an eaves height of 5.6 metres and a pitched roof reaching a maximum height of 7.5 metres. The small café proposed in the centre of the development would also feature an asymmetrical pitched roof design, incorporating a canopy area.
- 5.3.7 All of the proposed built development, whilst including variation in form and detailing would be of a similar architectural style and design which is considered to reflect the existing industrial park as well as creating a cohesive and well thought out extension to the business park. The built form would create an internal courtyard area which would feature the ancillary café as well as parking and soft landscaping. The use of asymmetrical roofs has enabled the pitch and eaves of the buildings to be kept lower, reducing their bulk and visual impact. The use of the same external materials across the development will ensure that the extension to the business park has a sense of place and a distinct character whilst still referencing the form and character of the

existing business park. Whilst all external materials are the same the external doors are to be of varying individual colours which will add interest to the development.

- 5.3.8 The proposed built form will be visible from the surrounding roads and footpaths and will have an impact upon the wider countryside. However, the proposed development would be viewed in the context of the existing business park, which will form a backdrop to the development. A Landscape and Visual Appraisal has been submitted in support of the proposal. This report concludes that *“The value of the surrounding character areas has been assessed as moderate. The sensitivity of the local landscape in relation to the surrounding farmland and wider landscape area is also moderate. The magnitude of impact has been assessed as low, and with suitable mitigation in the form of screening through native planting, the magnitude of impact could be reduced even further.”*
- 5.3.9 The proposed development would be visible from nearby public footpaths as well as some roads such as Church Road to the east or Little Totham Road to the west. Mitigation in the form of introducing new native scrub and tree planting along the western/ south western boundary and within the south-eastern part of the site in the form of a landscape buffer as well as new native tree planting to the north will over time help screen the proposed development or filter views and reduce visual impact. Full soft landscaping plans have been submitted in support of this application, alongside detailed specifications for the soft landscape works and a 5 year management plan. It must be remembered that the section of the application site where the employment uses are proposed is allocated for employment uses and therefore, at the time of allocation the Council accepted that there would be a fundamental change in the character and appearance of the area through the provision of new built form on the site. It is considered that the units are well designed, and combined with the mitigation in terms of soft landscaping the proposal is considered to comply with LDP policies as well as the NPPF in terms of the requirement for development to be well designed. The new built form would be viewed within the context of the existing business park and the proposal is considered to accord with LDP policies D1 and S8 and would not result in any harm to the intrinsic character and beauty of the countryside.

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. 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. Policy H4 also requires consideration of the effect of development on neighbouring amenity and safety.
- 5.4.2 There are no residential dwellings immediately adjoining the application site. The nearest residential properties to the application site are located along Beckingham Street which is the main road though Tolleshunt Major and located approximately 240 metres from the northern section of the application site where the employment units are proposed. Given the distance between the proposed built development and the

nearest neighbouring dwellings it is considered that the proposed built form would not have any materially harmful impacts upon neighbouring residents.

- 5.4.3 In relation to noise it is acknowledged that business units can generate more noise than residential, particularly B2 which is general industrial. The application has been supported by a noise impact assessment which concludes that:

‘The assessment has identified:

- The increase in road traffic at the site and on surrounding roads will result in a negligible increase in noise levels, when assessed in line with the DMRB semantic scale, and should therefore be acceptable.*
- Activity noise at the site is likely to be significantly below the existing ambient and background noise levels at the nearest noise sensitive receptor. In consideration of the context of the noise source, the activities would not be expected to cause any adverse impacts on the health or quality of life of the nearest noise sensitive receptors.’*

- 5.4.4 Environmental Health have been consulted on this application and have raised no objections subject to conditions. Conditions in relation to the operation of machinery, and deliveries and collections times are proposed to ensure that the proposed development would not result in any materially harmful impacts to neighbouring residents through noise and disturbance. Furthermore, details of all external illumination would be controlled through a condition to ensure that the surrounding area and residential dwellings would not be subject to light pollution. It is therefore considered that the development is acceptable in terms of amenity and noise pollution. A number of objections have been received in relation to traffic and implications for residents which are considered in detail in the below section of this report.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The Council’s adopted VPS 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 are 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.

- 5.5.3 The proposed development would utilise the existing main access road serving Beckingham Business Park. The application has been supported by a Transport Assessment. As part of this assessment the proposal has been considered with respect to the likely level of trips that could be generated and the impact they would have on the local highway network. The assessment concludes that the total trip generation potential is as follows:

	AM Peak (08:00 – 09:00)		PM Peak (17:00 – 18:00)	
	Arrivals	Departures	Arrivals	Departures
Total Trips	24	7	4	21

- 5.5.4 The report then goes on to assess the impact of the potential development upon nearby junctions, including the Business park access junction and the Beckingham Street/School Road junction. The assessment concludes that the projected increase in traffic associated with the proposals will not have a significant or material impact on the local road network and can be accommodated by that network.
- 5.5.5 ECC Highways have been consulted on the application and advise that from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject to conditions covering submission of a construction management plan, securing the provision of vehicle parking, including for cycle/powered two wheelers, and the provision of a updated framework travel plan (which shall be accompanied by a monitoring fee of £5,000 (plus the relevant sustainable travel indexation) to be paid before occupation to cover the 5 year period.). These can all be dealt with through conditions, except for the updated workplace travel plan and monitoring fee which should be dealt with through a S106 legal agreement as it relates to the payment of monies.
- 5.5.6 ECC Highways advise that the site already benefits from a safe and suitable access onto the highway. The Highway Authority is satisfied that the number of trips generated by the proposals is not expected to have a significant impact on the local highway network. To confirm this, local junction assessments have been checked and no highway capacity issues are identified even at peak periods. The existing Business Park also benefits from an established, signposted route for larger goods vehicles serving the site in order to protect the smaller roads and lanes nearby. The impact of the proposed development cannot therefore be described as severe, which is the criteria required by NPPF to recommend refusal of the application. Consequently, from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject to the requirements detailed above.
- 5.5.7 It is noted that a number of objections have been received in relation to this application, the majority of which raise concerns over traffic. One key concern that a number of residents, as well as the Parish Councils, have raised is the reliability of the trip generation data that has been submitted in support of the application. Concerns centred around the lack of public transport and number of jobs that the development is said to potentially generate. It has been raised that the development is likely to lead to more trips than the submitted Transport Assessment suggests (as detailed in paragraph

5.5.3 above). Further clarification was sought from ECC Highways in relation to these concerns and they have advised that: *“the trip generation has been calculated from a TRICS database interrogation based on gross floor area, which is normal. The TRICS database is a bit limited in terms of rural sites but is the only mechanism we have for predicting trip generation. Whilst it is therefore possible that the site could attract a slightly higher number of trips than advertised, it is nothing that would cause concern given the level of spare capacity demonstrated in the junction assessments.”* Therefore, whilst the proposal may result in more trips than those anticipated in the transport assessment ECC Highways have confirmed that there is capacity in the network to accommodate this.

5.5.8 A further concern which has been raised through the consultation period relates to the junction assessment undertaken in the submitted transport assessment. Within the assessment the main Business park access junction and the Beckingham Street/School Road junction were assessed, but not the Beckingham Street/Witham Road junction. This concern has also been raised with ECC Highways who have advised that *“The signposted route was the subject of the capacity assessments. Traffic surveys confirm that this is the more popular route to/from the site currently and the assessments showed a significant level of spare capacity. So even if the proposed development attracts a greater percentage of traffic from Witham Road direction, the traffic flow figures are such that we would not expect any capacity concerns.”* The junction assessment undertaken is therefore considered to be acceptable.

5.5.9 During the lifetime of this application the Framework Travel Plan (also known as a Workplace Travel Plan) which was submitted as part of the transport assessment has been updated. The aim of the Framework Travel Plan is to reduce single occupancy car use by promoting car sharing, cycling, walking and public transport where possible and reduce the number of vehicle movements associated with the development and thereby reduce the environmental impact of the travel associated with a development.

5.5.10 The updated Framework Travel Plan was consulted on as part of the application process. The Framework Travel Plan aims for a 12% reduction in single occupancy car use within the first 5 years of development, through encouraging cycling, walking to work where possible and car share. ECC’s Sustainable Travel Team have advised that further information should be included within the framework travel plan, which are:

- Incentives should be provided to join car share schemes, e.g. priority parking spaces, coffee mornings etc.
- A Car Parking Strategy could be implemented based on need, i.e. distance travelled, access to other transport modes etc.
- The Business Park can be used for events such as Dr Bike during national campaigns, walking challenges and gamification challenges like Love to Ride: Essex – Cycle September or Winter Wheelers.
- Consideration must be given to how the monitoring surveys will be promoted and communicated to staff, to ensure a good take up of responses each year, and to ensure the results are comparable.

5.5.11 ECC Highways have therefore recommended any permission be conditional that a further updated Framework Travel Plan (which shall be accompanied by a monitoring fee of £5,000 (plus the relevant sustainable travel indexation) to be paid before

occupation to cover the 5 year period.) be provided. The updates/amendments sought (as detailed above) are not fundamental and can be dealt with through a Section 106 agreement. It is acknowledged that the application site is located within a rural village with no access to public transport. Therefore, for most journeys, the only practical option will be to use a private vehicle. The securing of the Framework Travel Plan will reduce the use of single occupancy vehicles as much as practicable. The application site is allocated for employment use, and therefore the principle of this development in this location is accepted. A key consideration for any development is to ensure that the objectives of sustainable development are met and reducing unnecessary and single occupancy car travel as much as practicable will assist in this.

- 5.5.12 It must also be noted that when allocating the site, through the LDP process, the impact on the highway safety and the need to ensure the free flow of traffic would have been a consideration. At this time no fundamental issues were raised, and it was not considered that there was a need for mitigation as if this had been the case it would have been included within the LDP. Whilst it is accepted that the proposal would increase the number of vehicular movements to and from the site, this alone does not automatically mean that there is a demonstrable or real level of harm and in this instance it is considered that there is capacity within the highway network to accommodate the increased number of vehicles.
- 5.5.13 In relation to parking provision the Maldon District adopted VPS SPD requires the following in respect of employment uses:
- B1b, B1c and B2- 1 space per 50m²
 - B1a – 1 space per 20m²
- 5.5.14 In accordance with the above standards the 2,387m² floorspace of mixed B1b, B1c and B2 uses proposed requires 48 parking spaces and the 504m² of B1a office space proposed requires 26 parking spaces which in total results in a need for 74 spaces. As part of the development 75 vehicle parking spaces are proposed which include 4 disabled user spaces and 8 electric vehicle charging points. It is noted that no specific parking is proposed for the ancillary café use and whilst it is accepted that the café will primarily be used by those already working at or already visiting the Beckingham business park in terms of deliveries a parking space for an employee would be expected. As the proposal is one space over in terms of the employment uses this is considered to be acceptable in this instance as it will allow for parking for an employee at the café.
- 5.5.15 Secure cycle storage is also proposed as part of the development with 9 spaces for the office element of the development, which is above the adopted standards, which would require 7. Furthermore, each business unit would contain space within the unit for secure cycle storage. A total of 4 powered two wheeler spaces are also proposed in line with the adopted standards.
- 5.5.16 Overall the proposed development would accord with the adopted VPS.

5.6 Flood Risk, Surface Water Drainage and Foul Drainage

- 5.6.1 The application site is located within Flood Zone 1, however as the proposal represents major development the application has been supported by a Flood Risk Assessment (FRA).
- 5.6.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency (EA). Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.6.3 The application site is located within Flood Zone 1 and is allocated for employment-based development. There is therefore no objection to the principle of the development on flood risk grounds.
- 5.6.4 In relation to surface water the submitted FRA identifies that there is a very low surface water flood risk across the site, and a low to high risk along the adjacent access road at the northern frontage of the site. The data indicates that the depth along the adjacent access road would be below 0.3m during all events. Therefore, the hazard to people accessing/egressing the site would therefore be very low. This postcode area is not identified to be at risk of sewer flooding.
- 5.6.5 An assessment of the practical use of sustainable drainage techniques has been carried out and found that the soil types beneath the site possess little infiltration capacity and are not considered sufficient for the practical use of infiltration devices such as soakaways or permeable surfaces. As soil types will not support the effective use of infiltration devices, it is proposed that surface water is attenuated through the use of an attenuation basin prior to discharge into the local ditch system to the eastern boundary of the site which then runs towards the River Blackwater. Discharge rates will be controlled, and pollution control measures included within the scheme such as a petrol interceptor and the use of an aquatic bench (e.g. reed beds).
- 5.6.6 The Lead Local Flood Authority have been consulted on this application and advise that they have no objection to the granting of planning permission subject to conditions in relation to the submission of a detailed SuDS scheme and the long term management and maintenance of the surface water drainage system.
- 5.6.7 Overall, subject to conditions, it is considered that the proposed development is acceptable in terms of flood risk and surface water drainage.
- 5.6.8 In relation to foul drainage the submitted information states that a link to the foul sewer which runs along the business park spine road will be made and foul water will then connect and drain into the public sewer which runs along Beckingham Street, aided by a proposed on site pumping station which would be located under the access road within the application site. The EA initially raised a holding objection to the proposed development due to lack of information relating to foul water disposal. Concerns were raised due to current capacity issues at the Little Totham Water Recycling Centre (WRC) which for the past two years has been operating at, or over, the conditions on its current flow permit. Whilst this development is for employment

use foul wastewater flows will be generated at this site, and therefore foul drainage needs to be considered.

- 5.6.9 In response to the EA's initial holding objection the agent submitted additional information advising of the foul water disposal for the site, which is proposed to be to the public sewer. Anglian Water have been consulted on the proposal and have raised no objection to the development subject to conditions.
- 5.6.10 Anglian Water advise that *"The foul drainage from this development is in the catchment of Lt Totham 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."* And that *"Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development."* The response also goes on to state that an application for trade effluent may also be required, which is dealt with outside of the planning legislation.
- 5.6.11 Following the receipt of the additional information in relation to foul drainage the EA were re-consulted, and they removed their holding objection subject to a pre-occupation condition requiring confirmation has been provided that upgrades/improvements at Little Totham WRC has been completed (or a new permit has been applied for) in line with development timescales, and ahead of occupation. This would prevent use of the development prior to the necessary upgrade works taking place. The EA still raised a number of concerns over the lack of detail regarding a timeframe for the necessary upgrades and how this would fit with the commercial developments timescales as well as how the necessary upgrades of the WRC would fit with Anglian Waters long term plan or funding.
- 5.6.12 Further clarity has been sought from Anglian Water who have advised that *"The additional flow into Little Totham WRC will be monitored. If we identify a risk to compliance with our permit then we will take the appropriate measures to address this. We would expect that any risk to water quality will be highlighted by the Environment Agency and addressed through the next Water Industry National Environment Programme."* And that *"upgrades for WRCs are funded and managed by ourselves in consultation with the Environment Agency. However, this application also includes business use, which may, require Trade Effluent consent. This is a consent to discharge waste water as a result of an activity carried out at a trade premises (this does not include offices). The applicant, therefore, may have to fund upgrade costs at the WRC to enable the flow generated from the trade premises to be treated. However, this is something that is governed through the Water Industry Act 1991 and sits outside of the planning realm."*
- 5.6.13 The further information received from Anglian Water was sent to the EA for further comment who have advised that the WRC is actually currently flow non-compliant. They have also stated that whilst it is encouraging that Anglian Water Services have contacted the applicant to discuss them undertaking a pre planning assessment with us so they understand any potential costs, the EA's primary concern is the risk of harm to the waters into which the WRC discharges which can reasonably be expected to have

a detrimental effect by discharging volumes that are greater than that for which it is permitted. The point of the EA's concern is not to use a planning issue to control the activity of the water undertaker, which is subject to separate regulatory control, but rather to prevent harm to the waterbody which is likely to occur and which cannot be prevented by any other statutory instrument. The EA further advised that they cannot condone a knowing exceedance which would hamper efforts to achieve Water Framework Directive (WFD) 'good ecological potential' and, NPPF 170(e) which exists to prevent unacceptable risk or adverse effects to the environment.

5.6.14 However, the EA are no longer objecting to the development subject to a condition restricting occupancy until there is confirmation of capacity at the WRC. The agent has expressed concerns over the wording of this condition as these works and their timing are entirely out of the applicant's control (being the responsibility of the statutory undertaker) and in this respect such condition will not meet the legal tests if it is unreasonable.

5.6.15 The NPPG offers guidance in relation to development where there is inadequate wastewater infrastructure and states that: *"The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out."*

5.6.16 It is the view of Officer's that a condition restricting occupation of the commercial units until the necessary improvements to the public sewage system have been carried out would accord with this guidance. Conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability, however the condition would be worded in a negative form as a Grampian condition and it is designed to prevent occupation until there is confirmation of available permitted capacity in the network and at the treatment works (linked to the provision of supporting infrastructure which is one common use of a Grampian condition). If there was no such control over occupation (when wastewater would need to be dealt with) then there would be nothing to prevent the units being occupied before any necessary upgrade works had taken place which would potentially result in damage to the water quality downstream. This is the approach that has been taken on other sites where there have been capacity issues at WRC.

5.6.17 Overall it is considered that subject to an appropriately worded condition there is no objection to the proposal in relation to foul drainage.

5.7 Ecology

5.7.1 Paragraph 170 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'*

5.7.2 Strategic LDP policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.

- 5.7.3 Policy N2 of the LDP which states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”*
- 5.7.4 The application has been supported by a Preliminary Ecological Appraisal which identifies that the site comprises a section of made ground and a narrow strip of arable land situated adjacent to an existing operational business park and bounded by arable agriculture on three sides. As such, the site is subject to disturbance/activity as would be reasonably expected in such a land use context.
- 5.7.5 The proposal would not result in the loss of any significant potential roosting or commuting/foraging habitat. Whilst bats may commute and forage in the wider area, given absence of any significant trees or lengths of hedgerow, the actual site is unlikely to provide or form a constituent part of a wider commuting/foraging network given the absence of suitable features. It is not considered that the proposal would have any adverse impact upon the local bat population. However, through planting of trees and hedgerows as part of the proposal both within the site and on-site boundaries in addition to provision of an attenuation pond, it is considered that the site could be enhanced to provide commuting/foraging opportunities over and above the existing condition of the site.
- 5.7.6 No active or inactive badger setts were found, with no evidence of badger activity identified in the areas affected by development proposals. However, appropriate precautions have been advised for the construction phase. Appropriate recommendations in respect of due diligence relating to nesting birds and ecological enhancements have also been made.
- 5.7.7 Essex Place Services have been consulted in relation to ecology and have advised that they are satisfied that there is sufficient ecological information available for determination. The mitigation measures identified in the submitted Preliminary Ecological Appraisal should be secured and implemented in full. Place Services also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the NPPF 2019. This includes the planting of native species of tree and shrub, additional habitat creation through inclusion of bird and bat boxes (integral & external) and the provision of an attenuation pond.
- 5.7.8 It is further recommended that the ongoing management of the new native/and or wildlife friendly planting should be secured as a condition of any consent, following the details contained in the Specification for Soft Landscape Works and 5 Year Management Plan (Open Spaces Landscape & Arboricultural Consultants Limited, April 2020). This will ensure establishment of these biodiversity enhancements.

5.8 Contamination

- 5.8.1 Given the nature of the former use of the site as part of processing plant for Goldhanger Fruit Farms the potential of land contamination should be considered. The application has been supported by a Phase 1 Desk Study. This study found that residual contamination could be present from the former fruit washing facility and imported soils. Human end-users are considered to be at a low/moderate risk from direct contact, inhalation or ingestion of soil and soil dust, and construction workers are considered to be at a very low risk. The risk should be quantified through shallow soil sampling and generic quantitative assessment.
- 5.8.2 Overall the site is considered to be generally suitable for the proposed development although the risk to human health, water supply pipes and buried concrete should be quantified through soil sampling and chemical analysis. Investigation should also establish the presence of degradable materials if deep made ground is encountered and, where necessary, the organic matter content of the material to allow an assessment of the risk from ground gas generation.
- 5.8.3 Environmental Health have raised no objection to the proposal on contamination grounds and recommend conditions. Furthermore, the EA have raised no objection on contamination grounds. It is therefore considered that subject to condition requiring remediation the proposal is acceptable in relation to contamination.

5.9 Trees and Landscaping

- 5.9.1 The application site at present is relatively open with few trees. An Arboricultural Impact Assessment has been submitted to support the application. This assessment details that three trees will be removed to facilitate the development, T3 and G1 which are a hawthorn and two ash trees growing in close proximity with co-dominant stems. Tree protection plans are submitted in relation to the remainder of the trees on site. In terms of mitigation a significant number of new trees and soft landscaping is proposed as part of the development.
- 5.9.2 The Tree Consultant has been consulted on this application and advises that tree report to suitably demonstrate how the trees to be retained will be protected. Furthermore the soft landscaping scheme is considered acceptable, and the species chosen will complement the surrounding landscape and help enhance wildlife habitat potential.

5.10 Pre-Commencement Conditions

- 5.10.1 Four pre-commencement conditions have been recommended, which are conditions No's 10, 11, 12 and 14. Condition 10 relates to a construction management plan and is required to minimise disruption during works taking place, it is the starting of work and commencement of development which could result in disruption and therefore the construction management plan needs to be agreed prior to work starting. Conditions 11 and 12 relate to contamination and require the site to be remediated prior to any work commencing. Ground contamination is often disturbed by any ground works and can cause damage to the environment as well as pose a potential health risk. It is therefore important to have any remediation work required undertaken prior to work commencing. The last pre-commencement condition relates to surface water drainage

and a detailed surface water drainage scheme is required prior to the commencement of works to ensure that any system installed is sufficient to deal with surface water occurring during rainfall events to ensure that there is no increase in flood risk or pollution hazard from the site. The starting of works onsite could result in an increase in hardstanding or increase the flood risk and therefore the details of the proposed surface water drainage scheme are required before works start. Furthermore, the surface water drainage system often has to be installed alongside the development taking place. The agent has agreed to the imposition of these pre-commencement conditions.

5.11 Other Considerations

- 5.11.1 A number of letters of representation received have queried the hours of use and operating practices of the existing business park units. Any potential breaches of planning control and/or other legislation are not material considerations for this current application and would be a matter for the planning enforcement team where they relate to potential breaches of planning control.

6. ANY RELEVANT SITE HISTORY

None in relation to this section of Beckingham Business Park.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Major Parish Council	<u>First Response</u>	
	<p>Object to this application.</p> <p><u>Local Development Plan</u> The footprint of the proposed development extends beyond that shown for Beckingham Business Park within the approved Local Development Plan (LDP). We can see from the application plans that the area which is currently arable land is identified for a wild life meadow and run off pond. Policy S8 allows for development within the countryside because “.....some land uses or activities may be more suitable in the countryside rather than within defined settlement boundaries.” However, we contend that the usage set out in this application does not meet this requirement. The business units</p>	<p>The section of the application site where the employment units are proposed is within the development boundary and allocated for employment uses. Whilst the area for ecological mitigation and drainage is located outside of the development boundary for Tolleshunt Major this is not considered to conflict with policy S8. Please refer to section 5.1 of this report.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>proposed are not more suited to the countryside than the town and we cannot therefore see the justification for extending beyond the settlement boundary.</p> <p>Concerned that this sets a precedent for further expansion of the Business Park.</p> <p><u>Transport Assessment and Travel Plan</u> Do not consider that the Transport Assessment and Travel Plan, submitted with the application, demonstrate that the necessary transport sustainability requirements specified in the NPPF, the Essex Transport Plan and Policy T1 of the LDP would be met.</p> <p>Much of the Transport Assessment focuses on the condition and situation of the road in the immediate vicinity of the access to the Business Park. Given that motorised vehicles are the primary mode of transport to reach the Business Park, the impact on and condition of, the wider road network needs to be considered.</p> <p><u>Existing Information</u> The nearest major road (the A12) cannot be reached without passing through other towns and villages (Little Totham, Great Totham, Tiptree or Witham). An increase in traffic resulting from this development would have an impact on the wider rural road network and not just Tolleshunt Major.</p> <p><u>Baseline Transport Data</u> The assessment maintains that the roads in the vicinity of the Business Park are in good condition. Many vehicles, including large lorries, come into the village from the Witham Road end. From the junction with Bakers Lane the road narrows, there are no street lights and no footpaths and the road here is in</p>	<p>The location for the employment units is designated employment land.</p> <p>ECC Highways have raised no objections to the proposed development subject to conditions. They have carried out a site visit and note that the site already benefits from a safe and suitable access onto the highway.</p> <p>ECC Highways note that the existing Business Park also benefits from an established, signposted route for larger goods vehicles serving the site in order to protect the smaller roads and lanes nearby.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>extremely poor condition.</p> <p><u>Public Transport Accessibility</u> Tolleshunt Major has no bus service, train station or other form of community transport. This means that both residents and users of the Business Park are reliant on cars (or other motorised transport) to travel to and from the village.</p> <p><u>Safety Considerations</u> Since offices opened at the front of the Business Park in 2018, some employees park every day along Beckingham Street rather than in the parking spaces provided within the Business Park. This means that visibility for vehicles exiting the Business Park is obscured and that as vehicles approach the entrance they are on the wrong side of the road. There are also a number of residents' driveways that exit onto Beckingham Street directly opposite. This raises safety concerns that would only be exacerbated by additional traffic.</p> <p><u>Walking and Cycling Assessment</u> Tolleshunt Major itself has a pub but no shop or other facilities. Even given the very small amount of facilities in the area, any provision within the Business Park itself would take away trade from local businesses. We are aware that a previous cafe on site, closed down.</p> <p>There are few pavements and no designated cycle paths in the local area. Cyclists and walkers must use the same roads as cars, vans and lorries so any increase in vehicles in the village or on surrounding roads makes it less safe for walkers and cyclists.</p> <p><u>Trip Generation</u> The proposed application states that it anticipates generation of an additional 112 - 122 jobs. As set out above, at</p>	<p>Noted and covered in section 5.5 of report.</p> <p>The proposed development is located at the opposite end of the Business Park from Beckingham Street and proposes sufficient vehicle parking spaces to meet the adopted vehicle parking standards. The junction and access has been deemed acceptable by ECC Highways.</p> <p>Noted and covered in section 5.1</p> <p>The Highway Authority is satisfied that the number of trips</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>present, most, if not all, employees would get to the Business Park by car. This means that if each of those people were to drive to work that is over a hundred additional cars coming in and out of the village each day. The figures of trip generation shown in table 4.1 of the Transport Assessment are far below this but we cannot understand how this could be the case. Raises questions over some of the parameters used to calculate the trips. Furthermore, the assessment does not specify what sort of vehicle would be undertaking these trips. Clearly, there would be increased car trips but, as some of the units are for light and general industrial use, it is likely that there will also be an increase in vans, trucks and possibly lorries.</p> <p>It is not clear in the Travel Assessment how the conclusion is drawn that additional trips will not be material for the purposes of traffic capacity or highway safety. On what basis is this conclusion made. This assessment is fundamental in supporting the application so we ask that the Local Planning Authority (LPA) satisfies itself that appropriate data has been used in the assessment and that the conclusion about materiality is made taking into account the local setting. What, for example, is not material for an edge of town development may be material for a small village.</p> <p><u>Vehicle Parking</u> We note that the proposed number of parking spaces is in accordance with the Maldon Vehicle Parking Standards. However, paragraph 4.6.1 of those standards states that for non-residential development which meets certain criteria the expectation is that there will be sufficient parking provision on site. This proposed development meets those</p>	<p>generated by the proposals is not expected to have a significant impact on the local highway network. To confirm this, local junction assessments have been checked and no highway capacity issues are identified even at peak periods. The impact of the proposed development cannot therefore be described as severe, which is the criteria required by NPPF to recommend refusal of the application. Consequently, from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority</p> <p>Concerns over the trip generation figures is covered in section 5.5 of the report.</p> <p>The proposed development meets the adopted vehicle parking standards as set out in the report.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>criteria. If there were to be around 100 employees and they need to drive to reach the site but there are only 75 car parking spaces then that is a potential shortfall of around 25 spaces. Where will they park?</p> <p><u>Framework Travel Plan</u> In section 5.3, the report sets out some sub-objectives to address the overall aim of maximising sustainable travel. Whilst these are all well founded points there are no developed plans or actions on how these could be achieved.</p> <p>We therefore consider that the Travel Plan is weak. We do not consider that the proposal for a detailed Travel Plan to be part of the planning permission is acceptable and the applicant should provide a full Travel Plan as part of the application.</p> <p><u>Summary and Conclusions</u> The report concludes, in paragraph 6.8, that the travel and traffic associated with the development would not be contrary to the aims of sustainable transport as most of the workforce employed would be local to the area. The assessment claims to meet the objectives of complying with sustainable transport policies based on this single point. Surely a more comprehensive compliance with a wider range of objectives is required for the policies to be met.</p> <p><u>Noise Assessment</u> We note that the DMRB semantic scale has been used to make the assessment on the level of traffic noise. Clearly we have no expertise in noise assessment but the Standards for Highways website says that the DMRB "contains information about current standards relating to the design, assessment and</p>	<p>Addressed in section 5.5 of the report.</p> <p>The Parish Council's comments were passed to the EH team who advised there is not a standard assessment procedure for measuring the impact of changes to road traffic noise from non-</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>operation of motorway and all-purpose trunk roads in the United Kingdom." Volume 11, section 3, part 7 provides guidance on the impacts road projects may have on levels of noise and vibration. The applicants whole case for saying that the noise from additional traffic would be negligible is based on this assessment so we would ask the LPA to assure themselves that this is an appropriate scale to use for the assessment of the impact of noise from this proposed development. Clearly this is not a road building project and the tolerance levels for traffic noise on a motorway or trunk road will be far higher than for traffic in a small village.</p> <p><u>Impact on the Local Area</u> Tolleshunt Major is designated in the LDP as a small village and we therefore believe that it should retain the character of a small village. People choose to live here because they want the peace and tranquility that rural living brings. We consider that the amount and type of traffic that we experience is already beyond what would be expected for a small village. This is evidenced in paragraph 5.62 of the Planning Statement where mention is made of the Environmental Health Officer reference to the large volume of complaints received on this subject. The increased traffic flow which would arise from agreement of this proposal, with</p>	<p>road projects. The use of DMRB LA111 is probably the most suitable method.</p> <p>DMRB GG 101 Introduction to the Design Manual for Roads and Bridges does say that DMRB requirements can be applied to other roads with the approval of the specific highway or local authority and where requirements are applied to other roads, the specific highway or local road authority acting as the Overseeing Organisation should decide on the extent to which the requirements are appropriate in any given situation.</p> <p>Vehicle movements on the site have been factored into the BS4142 assessment.</p> <p>The comments of the Parish Council are noted, however this land is allocated for employment purposes and ECC Highways have confirmed that they are satisfied that the number of trips generated by the proposals is not expected to have a significant impact on</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>the associated noise, emissions, disturbance and nuisance would cause demonstrable harm to the local area, the village and the residents who live here. In addition to the harm caused by increased traffic, we consider that the additional security lighting required for these units would increase light pollution.</p> <p>We therefore consider that approval of this application would be contrary to policy S1 (12) – to maintain the rural character of the District without compromising the identify of its individual settlements.</p> <p><u>Conclusion</u></p> <p>We accept that the site in question is designated for employment land and that many of the policies in the LDP are founded on the principle of economic development and providing jobs. However, there are already empty units within the Business Park and it is possible that other units may become vacant in the current economic climate. Should not the focus therefore be on filling these units before more are built.</p> <p>We believe that the proposal as it stands is not acceptable as it goes outside of the designated Business Park footprint in the LDP, it does not meet the national and local policies for sustainable transport and the associated traffic, noise, emissions and disturbance would be fundamentally detrimental to the character of the village and the quality of the local area.</p> <p><u>Second Response – in relation to Framework Travel Plan</u></p> <p>Objects to the development.</p> <p>Our fundamental concerns about the impact on Tolleshunt Major of the</p>	<p>the local highway network. Furthermore, Environmental Health have raised no objections to the proposal. Lighting details would be controlled through a condition.</p> <p>Covered in sections 5.1 and 5.2 of this report.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>additional traffic that would result from agreement of this development remain unchanged. The nature and location of the Business Park means that:-</p> <ul style="list-style-type: none"> • it cannot be reached by public transport; • walking is only feasible from within the village itself or Little Totham; • although cycling is possible the rural lanes mentioned must be reached from busier local roads and there are no dedicated cycle lanes / paths. <p>The private car remains the most viable option to reach the Business Park. The proposals around car sharing could therefore have an impact but the target of a 10% reduction in car use over five years equates to a reduction of between just 2 to 3 cars per year (based on a stated workforce of 112 - 120 employees). There would still be around 90 to 100 additional cars coming in and out of the village each day. The car park provision is not sufficient and experience from the last development shows that a reduction in spaces does not encourage people to move to other transport methods. It just means they park in the roads in the village instead.</p> <p>The Framework Travel Plan that was included with the original application included amongst its objectives “reduce the number of road freight movements during traditional highway peak periods” and “minimise the impact of the proposals on local communities by encouraging freight traffic to avoid the use of local roads for journeys or parking”. No mention of freight traffic is included in the latest Travel Plan nor are there any proposals around reducing traffic related to visitors, services, deliveries etc.</p> <p>In relation to the success of the Travel Plan it seems to us that, if the targets</p>	<p>Noted and addressed in section 5.5 of the report.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>were not met, the nature of the Business Park's location would preclude any alternative options. Tolleshunt Major would then just be stuck with the additional traffic.</p> <p>We still object to the application and remain of the view that the size of this development is not suitable for the village and is contrary to Local Plan Policy S1 (12) and NPPF para 122 as detailed in our original response.</p>	
Little Totham Parish Council	<p>Oppose the application on the following grounds:</p> <p>S8 – The development is outside the settlement boundary and contrary to the LDP. The development will have impact on the character of the area and is on green belt land. This is not brownfield development.</p> <p>N2 and D1- impact and scale of the design. The buildings are imposing and will have a negative impact on the natural environment. The design of the buildings are incongruous and do not fit with the surroundings. The buildings will have a visible impact on the landscape and countryside, due to the nature of the spur design of the layout.</p> <p>The density and layout of the development does not fit with plans, with insufficient parking spaces for the number of units.</p> <p>The development will do nothing for the vitality and life of the villages.</p> <p>T1 There are no sustainable transport modes, with existing roads already unsafe and unsuitable. This will create a residual and a cumulative impact on both Tolleshunt Major and Little Totham. There is no</p>	<p>The section of the application site where the employment units are proposed is within the development boundary and allocated for employment uses. The district does not contain any green belt land.</p> <p>Design considerations and impact upon the wider landscape is considered in section 5.3 of this report.</p> <p>The proposed buildings are all located on allocated employment land. The proposed parking meets with the adopted vehicle parking standards.</p> <p>The proposal will result in the generation of more jobs which could benefit local residents.</p>

Name of Parish / Town Council	Comment	Officer Response
	<p>public transport to the village.</p> <p>There is no pedestrian access possible, with Tolleshunt Major, Tolleshunt D'Arcy and Little Totham, all small villages. There are no pathways linking the villages and it would be impossible to walk to the site from either Tiptree or Maldon, the nearest larger settlements.</p> <p>It will generate a significant amount of traffic and the roads in the vicinity have not been upgraded. This site is already an unsuitable location for a business park and this development with just exacerbate the situation. It is not a sustainable location.</p> <p>Recent traffic surveys conducted in Little Totham have proven that over 1400 vehicles a day travel through the villages, 400 of those vehicles are commercial. The number of units being proposed, will increase the pressure on the roads even further.</p> <p>The roads leading to the A12 via Great Braxted are already congested and dangerous. There have been numerous accidents at the junctions of Braxted Park Road, Colchester Road (B1022) and Loamy Hill Road.</p> <p>In the transport plan, there is no proof of how they will encourage multiple occupancy. There is no large population on the doorstep, so inevitably employees will be traveling from a wide geographical area, which discourages multioccupancy. The transport plan is vague and unenforceable.</p>	<p>Comments noted and covered in section 5.5. Furthermore, ECC Highways have raised no objections to the proposal and have advised that they are satisfied that the number of trips generated by the proposals is not expected to have a significant impact on the local highway network.</p>
Tolleshunt D'Arcy Parish Council	<p>recommend refusal of the Planning Application for the following reason:</p> <ul style="list-style-type: none"> • Very concerned about the impact of increased traffic through Tolleshunt D'Arcy where there is already a traffic 	<p>Noted and highways issues are covered in section 5.5.</p>

Name of Parish / Town Council	Comment	Officer Response
	problem.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian water	<p><u>First Response</u></p> <p><u>Wastewater Treatment</u> The foul drainage from this development is in the catchment of Lt Totham 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>	<p>Noted and covered in section 5.6</p> <p>Noted and covered through conditions.</p>
	<p><u>Used Water Network</u> Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Whilst the proposed strategy is acceptable in principle, the Foul drainage statement makes reference to drawing number 1625-04 and a pumped conveyance to the public foul sewer. In order to perform an accurate capacity</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Effluent consent. This is a consent to discharge waste water as a result of an activity carried out at a trade premises (this does not include offices). The applicant, therefore, may have to fund upgrade costs at the WRC to enable the flow generated from the trade premises to be treated. However, this is something that is governed through the Water Industry Act 1991 and sits outside of the planning realm.</p>	<p>Noted.</p>
<p>Environment Agency</p>	<p><u>First Response</u></p> <p>Raised a holding objection due to lack of information relating to foul water disposal.</p> <p><u>Foul Water Drainage and Water Quality</u> require written documentation outlining the developer's intentions for foul drainage and documented evidence that initial discussions have been held with AWS regarding this development.</p> <p><u>Surface Water Drainage and Water Quality</u> We have reviewed the application and have no objection however surface water drainage could pose an environmental risk without the inclusion of the measures described below.</p> <p>An environmental risk still remains from accidental spills entering surface water drainage and being</p>	<p>Noted and covered in section 5.6</p> <p>Addressed through submission of further information and the EA have revised their response as below.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>discharged to the environment. Inclusion of penstock valves in the design of the surface water drainage system would provide a means of containing accidental spills. This will enable the system to be isolated in the event of an incident such as a leak or spill. A pollutant could then be contained in the drainage system while contractors are engaged and clean-up arrangements put in place; mitigating the risk of environmental pollution. We expect to see these installed within the surface water drainage system.</p> <p><u>Ground Contamination and Dewatering</u></p> <p>There is no information available to indicate specific issues with ground contamination.</p> <p><u>Second response</u></p> <p>Remove holding objection, subject to a pre-occupation condition in relation to foul drainage is appended to any grant of permission.</p> <p>The proposed development will be acceptable if the following measures, relating to water quality, are implemented and secured by way of a planning condition.</p> <p><u>Water Quality</u></p> <p>There remains very little information in the documents submitted. We are</p>	<p>Noted and addressed through condition requiring surface water drainage scheme to be submitted – including the inclusion of penstock valves.</p> <p>Noted and contamination conditions recommended.</p> <p>Noted and addressed in section 5.6</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>encouraged by the developers initial liaison with Anglia Water Services (AWS) regarding a strategy for foul effluent generated from the site and AWS acknowledge the capacity issues at Little Totham WRC. However, it is disappointing to see that there is still a lack of detailed information regarding, how AWS will ensure that there will be capacity at Little Totham to receive the foul water flows.</p> <p>No information has been provided regarding:</p> <ul style="list-style-type: none"> • A timeframe for upgrades to take place and how this will fit in with the commercial development's timescales e.g. ensuring necessary upgrades are undertaken prior to occupation/use of commercial development. • Details of how necessary upgrades to Little Totham WRC will fit in with AWS Long Term Plan or AMP funding – how and when will the upgrades be funded and delivered. • Assessment or acknowledgement of the potential impact of additional foul effluent from the development site on the water environment, especially the receiving watercourse of Pennys Brook and ultimately the Blackwater River. <p>We acknowledge that this application relates to a commercial development site;</p>	<p>Noted and additional information has been received from AWS which has been sent to the EA – further comments below.</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>as opposed to residential. However, occupation of this commercial development will generate foul effluent, and put additional pressure on the already strained Little Totham WRC, which is currently discharging at, and sometimes above, its maximum permitted capacity. We should stress that our concern is with water quality and not necessarily permit compliance: A degree of detail is required from AWS in a statement describing how damage to the receiving watercourse will be avoided.</p> <p><u>Condition</u> The commercial development shall not be occupied until, confirmation has been provided that upgrades/improvements at Little Totham WRC has been completed (or a new permit has been applied for) in line with development timescales, and ahead of occupation.</p> <p><u>Third response</u> checked data again and the WRC (Water Recycling Centre) is actually currently flow non-compliant. In order to not hold up the application, we requested the no occupation condition. This will ensure that there will be no occupation until the WRC is compliant with the existing permit.</p>	<p>Noted and condition recommended.</p> <p>Noted and covered in section 5.6</p>

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>Note Anglian Waters (AWS) comments, however, the Environment Agency would still request and recommend the condition as stated above as no plans have been identified to address the existing permit exceedance and resulting permit exceedance that would be caused by this development. It is however encouraging that AWS have contacted the applicant to discuss them undertaking a pre planning assessment with us so they understand any potential costs.</p> <p>The Environment Agency's primary concern is the risk of harm to the waters into which the WRC discharges which can reasonably be expected to have a detrimental effect by discharging volumes that are greater than that for which it is permitted. The point of our concern is not to use a planning issue to control the activity of the water undertaker, which is subject to separate regulatory control, but rather to prevent harm to the waterbody which is likely to occur and which cannot be prevented by any other statutory instrument.</p> <p>Our stance is that we cannot condone a knowing exceedance which would hamper efforts to achieve WFD 'good ecological potential' and, NPPF 170(e) which exists to prevent unacceptable risk or adverse effects to the environment.</p>	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SuDS – Lead Local Flood Authority	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions relating to submission of a detailed surface water drainage scheme along with maintenance and management of the surface water drainage scheme.	Noted and referred to in paragraph 5.6.6
ECC Highways	The site already benefits from a safe and suitable access onto the highway. The Highway Authority is satisfied that the number of trips generated by the proposals is not expected to have a significant impact on the local highway network. To confirm this, local junction assessments have been checked and no highway capacity issues are identified even at peak periods. The existing Business Park also benefits from an established, signposted route for larger goods vehicles serving the site in order to protect the smaller roads and lanes nearby. The impact of the proposed development cannot therefore be described as severe, which is the criteria required by NPPF to recommend refusal of the application. Consequently, from a highway and transportation perspective, the impact of the proposals is acceptable to the Highway Authority subject to the following requirements:	Noted and referred to in section 5.5

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<ul style="list-style-type: none"> - Provision of a construction management plan - Securing the provision of vehicle parking - Securing cycle/powered two wheeler parking - An updated workplace travel plan and monitoring fee. 	
Essex County Fire and Rescue Service	Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13. More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage.	Noted.
Natural England	Natural England has no comments to make on this application.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection to the principle of the development. Should planning permission be granted conditions are recommended in relation to foul drainage, a construction management plan, contamination and remediation, operating a delivery hours, and external illumination.	Noted and referred to within paragraphs 5.4.4 and 5.8.3
Planning Policy	The proposed development appears within site E1a and in line with the appropriate use classes. Presently the area looks like a storage or turning area and the proposed landscaping would be beneficial.	Noted.

Name of Internal Consultee	Comment	Officer Response
	<p>Certainly, it is significant in its scale but with no near neighbours I have no critique.</p> <p>The development would appear to offer capacity for increased employment and business growth and so is supported under Policy E1.</p>	
Place Services - Ecology	<p>We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable.</p> <p>The mitigation measures identified in the submitted Preliminary Ecological Appraisal (Open Spaces Landscape & Arboricultural Consultants Limited, October 2019) should be secured and implemented in full. This is necessary to conserve protected and Priority Species.</p> <p>We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.</p>	Noted and referred to in section 5.7
Tree Consultant	<p>Considers the tree report to suitably demonstrate how the trees to be retained will be protected.</p> <p>The soft landscaping scheme</p>	Noted and referred to in section 5.9

Name of Internal Consultee	Comment	Officer Response
	is acceptable, and the species chosen will complement the surrounding landscape and help enhance wildlife habitat potential.	

7.4 Representations received from Interested Parties

- 7.4.1 **38** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Site is outside the defined settlement boundaries where Policy S8 development will be restricted.	Please refer to section 5.1 of the report.
Given the rural and relatively isolated location of the Business Park cannot believe there is such a demand for units at this site.	Please refer to section 5.2 of the report.
The proposal would not do anything to help the vitality of the village as the Business Park is distinct from it. It would not create any jobs integrated to the fabric of the village.	Please refer to section 5.1 of the report. The proposal would generate employment opportunities which would be available to residents of the village.
If the proposal was for a new business park in this location doubt it would get permission. So any proposal to increase these problems in Tolleshunt Major should not be allowed.	The application has to be assessed as submitted having regard to all material considerations. The proposal is for an extension to the existing Business Park and is considered as such.
There must be better placed industrial parks nearer the A12 which do not have to use weight restricted bridges, single track lanes, small villages to drive through.	The Council has to consider the application before it and not alternatives.
The economic benefits of the proposal would not outweigh the detriment to the local area, countryside and village to such a degree as to justify a development of this size going outside the settlement boundary.	Please refer to the conclusion section of this report.
The density and layout and design, especially blocks A, B and C these buildings are imposing and will have a negative impact on our natural environment. They will be seen from the surrounding countryside as far as Little Totham.	Please refer to section 5.3 of the report.
The proposal will bring many more vehicles into the village along	Please refer to section 5.5 of this report.

Objection Comment	Officer Response
Beckingham Street.	
Beckingham Street and the surrounding roads are already under stress at present, especially the heavy traffic that passes through Little Totham.	Please refer to section 5.5 of this report.
The roads are not built for this level of traffic and residents have already had to put up with the volume of current heavy traffic entering the Business Park.	Please refer to section 5.5 of this report.
The site is not well connected to the A12.	Please refer to section 5.5 of this report.
There is no Public transport to this small village which means that effectively there could be another 100+ vehicles travelling along Beckingham Street and into the Business Park.	Please refer to section 5.5 of this report.
The roads are not safe for cyclists due to the number of lorries and HGVs.	Please refer to section 5.5 of this report.
There is a long term issue with current parking problems in Beckingham Street and after 2 long years this matter has still not been resolved.	In relation to the parking issues along Beckingham Street Essex County Council have advised that plans for parking restrictions on Beckingham Street were taken forward in the past. However, the Traffic Regulation Order (TRO) met with objections from local residents, so they were never introduced.
The parking of cars on Beckingham Street restricts access to houses opposite as well as visibility.	
Bollard placed to protect footpaths have been hit and squashed by commercial vehicles resulting in a dangerous situation.	
Only the western access to the village at Beckingham Street/School Road junction was assessed. No survey was undertaken at eastern access via Witham Road where a considerable amount of vehicles enter from.	Please refer to section 5.5 of this report.
The traffic movement assessment provided in the application is based solely on a single day's data and is therefore very unreliable as a representation of the situation.	Please refer to section 5.5 of this report.
The Beckingham Business Park is already much larger than originally anticipated and we believe that extending it would not be a sensible option.	Please refer to section 5.1 of this report.
Over the last 33 years the size of lorries visiting the business park have increased to huge juggernauts and arrive at all hours of the day and night disturbing residents sleep, causing damage to	Noted. Impact upon neighbouring residents is considered at section 5.4 of this report.

Objection Comment	Officer Response
roads, and danger to children and walkers.	
Lorries cause great damage to the grass and kerb sides which have to be repaired by the Council.	Noted. Damage to roads is dealt with by Essex County Council.
Lorries to not follow the designated routes from the business park.	Noted.
Where is there a lorry park or even parking facilities for drivers of the HGVs	The application does not seek any B8 use (storage and distribution) and there is no requirement to provide lorry spaces.
There are no pavements except directly outside the business park and it is dangerous for anyone walking in the village. There could be serious accident.	Please refer to section 5.5 of this report. Noted. Essex County Council Highways have raised no objection to this application and have advised that the impact of the proposed development cannot be described as severe, which is the criteria required by NPPF to recommend refusal of the application. On this basis there is no grounds to refuse the proposal on highway safety or capacity reasons.
Almost impossible to just walk to the park in the daytime without concerns for safety or having to go onto someone's driveway because of double way traffic from lorries.	
Some properties have had to install bollards outside their dwellings to stop them being damaged.	
Often find lorries pulling onto the driveways of dwellings to allow another one through due to narrow roads. This can damage residents bins.	
Have had incidents of lorries damaging telephone lines causing residents to be without telephone line and wifi.	
With DW Clarkes huge fleet and Tiptree Jams ever growing fleet traffic is absurd, to increase the business park will bring more problems with traffic.	
Already suffer from cars racing through village to get to work on time at the business park and again at the end of the day.	
The proposal includes 75 parking spaces (an extra 150 trips though the village every day), however predicted number of employees is 112-122 which would be an extra 244 car trips and unacceptable.	Please refer to section 5.5 of this report.
The travel plan does not put forward any credible proposals about how the impact of additional traffic could be mitigated.	Please refer to section 5.5 of this report.
The proposal would produce further noise for local residents which is not acceptable.	Please refer to section 5.4 of this report.

Objection Comment	Officer Response
The business park already omits noise that are at times impactive.	Please refer to section 5.4 of this report.
Can see no logical reason to increase the amount of units to the business park.	Please refer to section 5.1 of this report.
There are currently empty units on the Business Park and no need for any more.	Please refer to section 5.2 of this report.
The café would take business away from our village pub and a local family who provide a food delivery service to the Business Park.	The café is considered to be a small ancillary use to the Business Park and complies with LDP policy E1.
The village supports the business park but to increase its size would be detrimental to village life.	Noted.
Proposal would result in noise, pollution and safety issues for Tolleshunt Major residents and also Little Totham.	Please refer to section 5.4 of this report.
New security lighting will hugely increase the light pollution levels.	A condition is recommended to control the lighting details.
Air quality has noticeably deteriorated.	Please refer to section 5.4 of this report.
A cafe is a very bad idea as it will encourage even more vehicles to the business park as well as generating unwanted and unnecessary smells.	The café is considered to be a small ancillary use to the Business Park and complies with LDP policy E1. It would not be considered as a destination café.
Concerned that the proposal would result in an increase in rubbish and litter.	Noted.
Area is rich with wildlife and agricultural land. An increase in business units would mean higher pollution and be detrimental to the environment.	Please refer to sections 5.4, 5.7 and 5.9 of this report.
Concerned that the wildlife and pond area will set a precedent for further expansion of the Business Park.	This area is not land allocated for employment uses.
Given current pandemic and time of uncertainty do not feel that there is any need to take more green fields to build units, café or parking spaces.	Please refer to section 5.1 of the report which considered the principle of the development.
The safety and health of the residents of Tolleshunt Major should be given first priority over any future developments.	All material considerations have been taken into account in reaching the recommendation and advice sought from all relevant statutory consultees.
Application was not publicised.	The application was publicised in accordance with the Development Management Procedure Order 2010 with site notices erected and a press advert.
Residents have not been given sufficient time to give their views.	Both site notices and the press advert allowed 21 days for any letters of representation to be submitted.

8. SUBJECT TO A SECTION 106 AGREEMENT AND PROPOSED CONDITIONS

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Submission of an updated workplace travel plan accompanied by a monitoring fee of £5,000 (plus the relevant sustainable travel indexation) to be paid before occupation.
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 and retained in accordance with the following approved plans and documents: OS 1799-19.1a Rev E, OS 1799-19.1b Rev E, OS 1799-19.2a Rev E, OS 1799-19.2b Rev E, OS1799-19.4-1 Rev B, OS 1799-19.4-2 Rev B, 1625 Loc 01-B Rev A, 1625-02-B Rev A, 1625-05-B, 1625-06-B, 1625-07-B, 1625-04-B Rev E, 1625-09-B, 1625-10-B, 1625-11-B, 1625-12-B, 1625-13-B, 1625-14-C, 1625-15-B.
REASON: To ensure the development is carried out in accordance with the details as approved.
 3. The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
 4. Block A and Block B as shown on approved plan reference 1625 04 rev B shall only be used for industrial purposes which are defined within Classes B1 (b), B1 (c) and B2 of the Schedule to the Town & Country Planning Use Classes Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: To protect and ensure the appropriate employment use of the site in accordance with Policy E1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
 5. Block C as shown on approved plan reference 1625 04 rev B shall only be used for office purposes as defined within Class B1(a) of the Schedule to the Town & Country Planning Use Classes Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: To protect and ensure the appropriate employment use of the site in accordance with Policy E1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
 6. The Café as shown on approved plan reference 1625 04 rev B shall only be used as a café as defined within Class A3 of the Schedule to the Town & Country Planning Use Classes Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
REASON: To ensure an appropriate ancillary use on the site in accordance with Policy E1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

7. In relation to Block A and Block B as shown on approved plan reference 1625 04 rev B (the industrial units) no machinery shall be operated nor, shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:30 hours and 18:30 hours on weekdays and between 07:30 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of protecting the amenities of neighbouring occupiers having regard to policies D1 and H4 of the approved Maldon District Local Development Plan.
8. The office use hereby permitted (Block C as shown on approved plan reference 1625 04 rev B) shall only be undertaken between 07:30 hours and 20:30 hours on weekdays and between 07:30 and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of protecting the amenities of neighbouring occupiers having regard to policies D1 and H4 of the approved Maldon District Local Development Plan.
9. The café use hereby permitted as shown on approved plan reference 1625 04 rev B shall only be undertaken between 07:00 and 18:30 hours on weekdays and between 07:00 and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: In the interests of protecting the amenities of neighbouring occupiers having regard to policies D1 and H4 of the approved Maldon District Local Development Plan.
10. No machinery shall be operated and no process shall be undertaken outside of the buildings hereby permitted.
REASON: In the interests of protecting the amenities of neighbouring occupiers having regard to policies D1 and H4 of the approved Local Development Plan.
11. No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the buildings hereby permitted.
REASON: In the interests of visual amenity in accordance with policy D1 of the approved Local Development Plan
12. No development shall take place, including ground works or demolition (unless specifically required in relation contamination, remediation or infiltration testing), until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and underbody washing facilities
 - iv. route to be used by construction vehicles to/from the site
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. hours of worksREASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and to minimise the impact of the construction of the development upon nearby residents and the environment in accordance with policies D1, D2, and T2 of the approved Maldon District Local Development Plan.

13. No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure any contamination on the land is remediated in the interests of the occupiers/workers/visitors to the site as well as neighbouring land uses and the water environment in accordance with policy D2 of the Approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

14. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure any contamination on the land is remediated in the interests of the occupiers/workers/visitors to the site as well as neighbouring land uses and the water environment in accordance with policy D2 of the Approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

15. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is

resumed or continued. Following completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

REASON: To ensure any contamination on the land is remediated in the interests of the occupiers/workers/visitors to the site as well as neighbouring land uses and the water environment in accordance with policy D2 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

16. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
 - Limiting discharge rates to 1.46l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
 - Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - Use of penstock valves in the design of the surface water drainage system to provide a means of containing accidental spills.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development shall then be carried out in accordance with the details as approved.

REASON: To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with policy D5 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance

17. Prior to the first use of any part of the development hereby permitted a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

REASON: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.

18. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan agreed through condition 17 above. These must be available for inspection upon a request by the Local Planning Authority.
REASON: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with policy D5 of the approved Maldon District Local Development Plan, the National Planning Policy Framework and Planning Policy Guidance.
19. Prior to the first use/occupation of the development hereby approved, details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the local planning authority. 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.
REASON: To minimise light pollution upon nearby property, the adjoining rural countryside and in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the approved Maldon District Local Development Plan.
20. Prior to the first use/occupation of the development hereby approved a scheme for the means of refuse storage including details of any bin stores shall have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development and retained for such purposes at all times thereafter.
REASON: To ensure adequate refuse facilities are available in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan as well as the Planning and Waste Management Technical Document to Maldon District Design Guide
21. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
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 approved Maldon District Local Development Plan.
22. Prior to the occupation of any part of the development hereby permitted details of the number, location and design of bicycle parking facilities/powered two wheelers shall be submitted to and agreed in writing by the local planning authority. The approved facilities shall be secure, convenient, covered and shall be provided in accordance with the approved scheme before any part of the development hereby approved is occupied and retained as such thereafter.
REASON: To ensure appropriate cycle / powered two wheeler parking is provided in the interest of highway safety and amenity in accordance with policy T2 of the approved Maldon District Local Development Plan.
23. The development shall be carried out in accordance with all mitigation and enhancement measures contained in the Preliminary Ecological Appraisal (Open Spaces Landscape & Arboricultural Consultants Limited, October 2019) and the Specification for Soft Landscape Works and 5 Year Management Plan (Open Spaces

Landscape & Arboricultural Consultants Limited, April 2020) as submitted with this application.

REASON: To conserve and enhance protected and priority species and seek biodiversity enhancements in accordance with policy N2 of the approved Maldon District Local Development Plan.

24. No development works shall occur above ground level until details of the foul drainage scheme to serve the development, including connection point and discharge rate, have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the approved Maldon District Local Development Plan.

25. The development hereby permitted shall not be occupied until, confirmation has been provided that there is permitted capacity at the Little Totham Water Recycling Centre.

REASON: To ensure there is sufficient infrastructure capacity to protect the water environment and prevent deterioration in river water quality downstream of Little Totham Water Recycling Centre, which is at maximum capacity in accordance with policies D2 and H4 of the Maldon District Local Development Plan.

26. The Open Spaces Landscape Architects Arboricultural Impact Assessment including Tree Protection Measures and plans OS 1799-19.4-1 Rev B and OS 1799-19.4-2 rev B submitted in support of the application shall be adhered to in full, subject to the pre-arranged supervision detailed in section 7.17 of the statement.

REASON: To ensure the development is carried out in accordance with the details submitted and to ensure the protection of trees to be retained as part of the development in accordance with policy D1 of the approved Maldon District Local Development Plan.

27. Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on approved plans OS 1799-19.1a Rev E and OS 1799-19.1b Rev E and specifications contained within OS 1799-19 Doc3 Rvs A (Specification for Soft Landscape Works and 5 Year Management Plan) which form part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.

REASON: To ensure the appropriate soft landscaping of the site in in the interest of the visual amenity of the site and wider area in accordance with policies S8 and D1 of the approved Maldon District Local Development Plan.

28. The hard landscaping works shown on approved plans OS 1799-19.2a Rev E and OS 1799-19.2b Rev E which form part of this permission shall be fully implemented prior to the first use of the development hereby permitted.

REASON: To ensure the appropriate hard landscaping of the site in in the interest of the visual amenity of the site and wider area in accordance with policies S8 and D1 of the approved Maldon District Local Development Plan.

INFORMATIVES

1. Essex County Council's Sustainable Travel Team have recommended the following updates / amendments to the submitted Framework Travel Plan;

- Incentives should be provided to join car share schemes, e.g. priority parking spaces, coffee mornings etc.
 - A Car Parking Strategy could be implemented based on need, i.e. distance travelled, access to other transport modes etc.
 - The Business Park can be used for events such as Dr Bike during national campaigns, walking challenges and gamification challenges like Love to Ride: Essex – Cycle September or Winter Wheelers.
 - Consideration must be given to how the monitoring surveys will be promoted and communicated to staff, to ensure a good take up of responses each year, and to ensure the results are comparable.
2. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
 3. 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.
 4. During the construction phase, dewatering activities should follow the conditions of the Environment Agencies Regulatory Position Statement on temporary dewatering from excavations to surface water which is available at:
<https://www.gov.uk/government/publications/temporary-dewatering-from-excavations-to-surface-water/temporary-dewatering-from-excavations-to-surface-water>.
 If these conditions cannot be met, an environmental permit will be required.
 5. 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.
 6. 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.
 7. 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.
 8. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

Application Number	20/00954/FUL
Location	Barns at Lower Farm, Blind Lane, Tolleshunt Knights
Proposal	Conversion of barns to dwelling
Applicant	Mrs N Gudgeon
Agent	Mr G Clark - Clark Partnership
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	TOLLESHUNT KNIGHTS
Reason for Referral to the Committee / Council	Departure from Local Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The map shows the study area with the following features:

- Grove Hall:** A cluster of buildings in the upper left, with one building marked with a bell icon.
- Pond:** A small body of water to the right of Grove Hall.
- Lower Farm:** A large red hatched area in the center, representing the study site.
- Silos:** A row of seven small circles below Lower Farm.
- Track:** A dashed orange line running horizontally across the middle of the map.
- Road Lane:** A road on the left side of the map.
- Scale bar:** Located at the bottom right, showing distances from 0 to 0.05 km.
- North arrow:** A small square symbol pointing upwards, located near the center of the map.



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Malden District Council 100018588 2014

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	20/00954/FUL
Date:	19/11/2020
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south east of Blind Lane and is accessed via a private track off of Blind Lane. The application site is occupied by four agricultural buildings which were previously used for the storage of farming equipment and does not fall within any defined settlement boundary. The site is within a rural location, to the south of the application site is Lower Farm and to the north is Grove Hall. There is a public footpath approximately 4 metres to the north of the application site which runs easterly from Blind Lane.
- 3.1.2 Planning permission is sought to convert the existing agricultural barns to a dwelling. This would utilise all four agricultural buildings known as Barn A, Barn B, Barn C and Barn D. Barn A sits to the eastern boundary of the site and has a maximum height of 6.9 metres, a width of 14.15 metres and a depth of 10.8 metres. Barn B and Barn C are to the southern boundary of the site and are adjoined to Barn A by a single storey link. Barn B has a maximum height of 6.5 metres, a maximum width of 9.4 metres and a maximum depth of 14.3 metres, Barn C has a maximum height of 3.8 metres, a depth of 4.2 metres and a width of 6.1 metres. Barn D is located to the north west of the application site and has a maximum height of 4.4 metres, a width of 18.6 metres and a maximum depth of 5.6 metres.
- 3.1.3 As part of the proposed works Barn A will be demolished and rebuilt resulting in the current link to Barn B being eliminated. The replacement building being built with its northern elevation in line with the northern elevation of the existing structures. The replacement building would have a maximum height of 6.97 metres, a width of 11 metres and a depth of 9.45 metres.
- 3.1.4 For the proposed conversion of the buildings to one dwelling a number of external alterations are proposed. The alterations to each barn are provided below:
- Southern elevation: addition of three dormer windows, and two doors and replacement of window
 - Eastern elevation: replacement door and addition of two windows
 - Northern elevation: addition of two dormer windows; one of which with a larger glazed panel and two rooflights
 - Western elevation: addition of a glazed panel
- 3.1.5 Barn A, B and C will accommodate a dining room, kitchen, utility, WC, four bedrooms, a cloak room, lounge, family room and study, and Barn D would accommodate a garage, hobby room, laundry room and a waste room.
- 3.1.6 The block plan shows that amenity space will be provided to the east of the proposed dwelling. The floor plans and block plan show that a garage would be provided within converted Barn D with the hardstanding to the front also being utilised for parking provision.
- 3.1.7 The application site benefits from consent for the conversion of the barns under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) reference

20/00398/COUPA. This application is different in nature to the development approved under the previous application. The differences include the elevational materials will be changed, Barn A would be re-built removing the link attachment to Barn B and alterations to the design and fenestration are proposed.

3.2 Conclusion

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the previous permission and in this instance; it is considered that the principle of the provision one dwelling in this location is acceptable. It is considered that development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. No objection is raised in relation to the impact of the development on residential amenity or the parking provision. Therefore, subject to appropriate conditions, the development is considered on balance, acceptable and in accordance with the aims of the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable Development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 59-79 Delivering a sufficient supply of homes
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

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

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Maldon District Local Development Plan (MDLDP). The previous planning history of a site is a material planning consideration and for that reason is pertinent to be considered as part of the assessment of the proposal.
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the five year housing land supply (5YHLS).
- 5.1.3 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘tilted balance’. This is set out in paragraph 11d of the NPPF which states:

“For decision taking this means:

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

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

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

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces local plan policies that do not comply with the requirements of the NPPF.
- 5.1.5 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or that specific policies in this framework indicate development should be restricted’.
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up

the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF.

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

- 5.1.8 Paragraph 78 of the NPPF states that:

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

- 5.1.9 The application site is located beyond the defined settlement boundary for Tolleshunt Knights, within the countryside and approximately 874 metres away from the settlement boundary of Tolleshunt Knights, which is the closest village to the application site. Tolleshunt Knights is classed as a smaller village under Policy S8 with limited facilities. It is therefore, considered that the occupiers of the dwelling would be required to travel outside of Tolleshunt Knights for day to day services and facilities. Blind Lane is a country road which is unlit and does not benefit from a footpath, it is therefore not considered to be attractive to pedestrians and due to this the accessibility of the site is limited. Therefore, it is not considered that the accessibility of the site would weigh in favour of the development. Furthermore, due to the lack of facilities it is not considered that the site is located within a sustainable location.

- 5.1.10 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to a dwelling (20/00398/COUPA). The assessment of a prior approval application is materially different to that of a full planning application and it cannot be automatically assumed that because an application is granted under a separate method of Development Management that planning permission will be granted. However, the fall-back position is a material consideration and the weight attributed should reflect the circumstances of the individual application.

- 5.1.11 The previous permission can still be implemented and there is nothing before the Council that would evidence that if the current application was to be refused that the prior approval application would not be undertaken. Furthermore, whilst the two schemes are materially different the two schemes are broadly similar in nature and this would add weight to the fall-back position when determining the current application. Taking in to account the above, in this instance, the fall-back position is a material consideration in the determination of this application of significant weight.

- 5.1.12 Whilst the site is located in an unsustainable location remote from facilities needed for day to day living where in normal circumstances the Council would look to resist additional residential development there is a need to be conscious of site specific material considerations that weigh in favour of the proposal. Therefore, taking in to account the existing permission for a dwelling on the site, the high likelihood that if planning permission was refused that the other permission would be implemented and the Council's inability to demonstrate a 5YHLS it is considered that no objection is raised to the principle of granting planning permission on the site.
- 5.1.13 Other considerations that need to be taken into the balance are discussed below. Based on the above, it is considered, on balance, that a dwelling in this location is acceptable.

5.2 Housing Land Supply and Need

- 5.2.1 In respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development and the Local Development Plan (LDP) policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide one four-bedroom property. Taking into account, the Council's current position, the proposal would make a contribution to improving the Council's housing stock. Therefore, the benefits of the scheme in regard to this are neutral as there would be a net gain of one dwelling, of a size not specially needed by the Council, and this is given minimal weight.

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

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

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

- 5.3.5 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

- 5.3.6 Blind Lane is predominately open countryside with sporadic residential development, which is more common to the southern end of the lane. These properties benefit from spacious plots with the dwellings set back from the boundary with the road. The application site sits a minimum of 19 metres from the boundary with Blind Lane (Barn D) and is therefore, not in an overly uncharacteristically prominent location within the surrounding area. The replacement of external materials would be to match the existing and therefore, the proposed dwelling and outbuilding would not result in a dominant form of development within the surrounding area and is not considered to detrimentally impact on the character and appearance in relation to scale and location.

- 5.3.7 The main alterations to convert the barns into a dwelling relate to Barn A which is to the east of the site as this will be demolished and rebuilt to adjoin Barn B and C. This would also include the addition of five pitched roof dormers. Whilst it is noted that

dormer windows are not an overly common feature within the surrounding area, due to the degree of separation from Blind Lane these would not be an overly prominent feature, with the only views from with the public realm being from the footpath which runs along the northern boundary of the site.

- 5.3.8 It is noted that the development would result in the existing building having a more domestic appearance and also inherently result in the intrusion of domestic paraphernalia into what is considered countryside, and would result in the urbanisation of the site to the detriment of the countryside. However, it is considered that the fall-back position from the COUPA would broadly result in the same domestication of the site and therefore, this is not considered to justify the refusal of this application.
- 5.3.9 Taking into account the above assessment, it is considered, that on balance, the proposed development would not have an unduly detrimental impact on the character and appearance of the site or surrounding area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is bordered by two neighbouring properties, to the north is Grove Hall and to the south is Lower Farm. Barn D (to be a garage, hobby room, waste store and utility) sits on the shared boundary with Grove Hall and over 20 metres from the neighbouring property. The proposed dwelling would sit 20 metres from the neighbouring property to the south. Due to the degree of separation and that the built form on site is not increasing, it is not considered that the proposed development would result in an unacceptable loss of light to these neighbouring properties, or that it would have an overbearing nature on the neighbouring occupiers.
- 5.4.3 It is noted that there are three dormer windows facing Lower Farm and two dormer windows to the northern elevation facing Grove Hall. Due to the substantial degree of separation of the dwelling from Grove Hall (these windows would sit over 40 metres from the neighbouring property, this is in excess of the 25 metres required for back to back dwellings), it is not considered that the proposal would result in an unacceptable loss of privacy to these neighbouring occupiers. The dwelling, the subject of this application, is set back within the plot with the western elevation broadly in line with the eastern (rear) elevation of Lower Farm, therefore, any views from the dormer windows would be of the eastern end of the garden rather than directly into the private amenity space afforded to this dwelling. It is therefore not considered that the proposal would result in an unacceptable loss of privacy to this neighbouring property.
- 5.4.4 Environmental Health were consulted in relation to this application and have not raised any concerns in relation to noise disturbances on current and future occupiers of the proposed dwelling from the nearby farm to the east of the site. Therefore, it is not considered that the development would represent an unneighbourly form of

development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The proposed development would utilise the existing access from Blind Lane, the change of use to a residential dwelling is not considered to result in a significant increase in vehicular movements to and from the site. Furthermore, Essex County Council Highways were consulted as part of this application and have raised no objection subject to the inclusion of two conditions. Therefore, there are no concerns in relation to highway safety.
- 5.5.3 The proposed development includes the provision of a car port with internal measurements of 4.5 metres by 5.2 metres, this falls short of the minimum standards of 3 metres by 6 metres and therefore, it is not considered sufficient to provide parking for one vehicle. However, there is sufficient hardstanding to the front of the proposed garage for a minimum of three spaces as required for a four-bedroom dwelling. Therefore, there are no concerns in relation to parking.

5.6 Private Amenity Space and Landscaping

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The proposed development would result in the creation of a four bedroom dwelling; The proposed dwelling would benefit from a spacious amenity space (170m²) to the east of the proposed dwelling. This is in excess of the 100m² as required by the standards and therefore the proposal is in compliance with Policy D1 of the LDP.
- 5.6.3 No information in relation to the proposed boundary treatments or the landscaping has been provided as part of this application. However, it is considered that this information could be secured via condition should the application be approved.

5.7 European Designated Sites

- 5.7.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more (Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA/Ramsar site and Dengie SPA and Ramsar site) of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

(RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.

- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

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

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

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

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

Test 2 – the integrity test

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

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

- 5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.
- 5.7.4 The Essex Coastal RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. At this time a signed S106 agreement has not been provided to the Council. However, this could be sought subject to the recommendation of approval being agreed by the Planning Committee and prior to the decision being issued.

5.8 Tilted Balance and sustainability

- 5.8.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.

- 5.8.2 The application site is located approximately 874 metres from the settlement boundary of Tolleshunt Knights. Tolleshunt Knights is described under Policy S8 as being a small village, containing few or no services and facilities, with limited or no access to public transport with very limited or no employment opportunities. The closest bus stop with an active public route is 954 metres (as the crow flies) from the application site on Top Road. This offers services to Witham (91) every two hours and would be unattractive to access for pedestrians due to the lack of footpath and lighting along Blind Lane. The closest facilities are located within the neighbouring villages of Tiptree (approximately 1.9 miles to the north as the crow flies), with a small village shop and pub within Tolleshunt D'Arcy approximately 1.6 miles (as the crow flies) to the south. Therefore, it is considered due to the lack of facilities and services in the closest village, that the dwelling is not located within a sustainable location.
- 5.8.3 Having regard to policies S1 and T2, it is not considered that a dwelling in this locality would minimise the need to travel or prioritise sustainable modes of transport. Therefore, it is not considered that the site is accessible in terms of sustainability.
- 5.8.4 In relation to environmental sustainability, it is considered that the development of the site would result in the inevitable domestication of the site, which is not normally supported within the Countryside. It is considered that due to the existing built form on site, and that this would remain largely unaltered in relation to footprint, weighs in favour of the proposed development, as does, and more significantly, the fall-back position from the granted prior approval application, which would result in the inherit domestication of the site. Therefore, it is considered that the granting of this planning application would have a neutral impact in relation to environmental sustainability.
- 5.8.5 In economic terms, there would be little support for local trade as the proposal only relates to minor works to provide one dwelling. Whilst the occupiers of the dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be minor given that only one dwelling is proposed. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.8.6 In social terms, development should assist in supporting a strong, vibrant and healthy community, but local services are very limited. Residents are required to travel further afield for day to day facilities and amenities. As such, the site is considered remote from services needed for day to day living and any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP.
- 5.8.7 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to a dwelling (20/00398/COUPA). This is therefore, a material consideration in the determination of this application, which carries significant weight, particularly given that this previously approved application would allow for one dwelling on the site. It is therefore considered that despite the poor social and economics of the development and the neutral impact in relation to environmental sustainability, this fall-back position weighs heavily in favour of the

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

6. ANY RELEVANT SITE HISTORY

- **COUPA/20/00398** – Prior notification for a conversion and adaption of existing barns to form dwellinghouse. – 10.06.2020.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights Parish Council	The Parish objects on the grounds of a poor design which is incongruous and unbalanced	Comments noted. Amended plans were received to overcome these concerns with the application undergoing another public consultation. No further response has been received in relation to this at the time of writing this report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection to the proposal subject to the inclusion of two conditions should the application be approved	Comments noted

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

No letters of representation have been received

8. **PROPOSED CONDITIONS SUBJECT TO THE COMPLETION OF A S.106 AGREEMENT REGARDING RAMS CONTRIBUTION.**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 20/1609/00, 20/1609/01, 20/1609/02A, 20/1609/03, 20/1609/04, 20/1609/05, 20/1609/06, 20/1609/07, 20/1609/08, 20/1609/09, 20/1609/10, 20/1609/11, 20/1609/12 and 20/1609/13A

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

3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted

shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

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

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

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

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

- 1) The development should be able to manage water on site for 1 in 100 years events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development above ground level shall be occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the

local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).9.

9. The vehicle parking area and associated turning area shown on plan 20/1609/02A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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 policies D1 and T2 of the approved Local Development Plan.

10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.

REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

12. The public's rights and ease of passage over footpath number 8 in Tolleshunt Knights shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the LDP.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

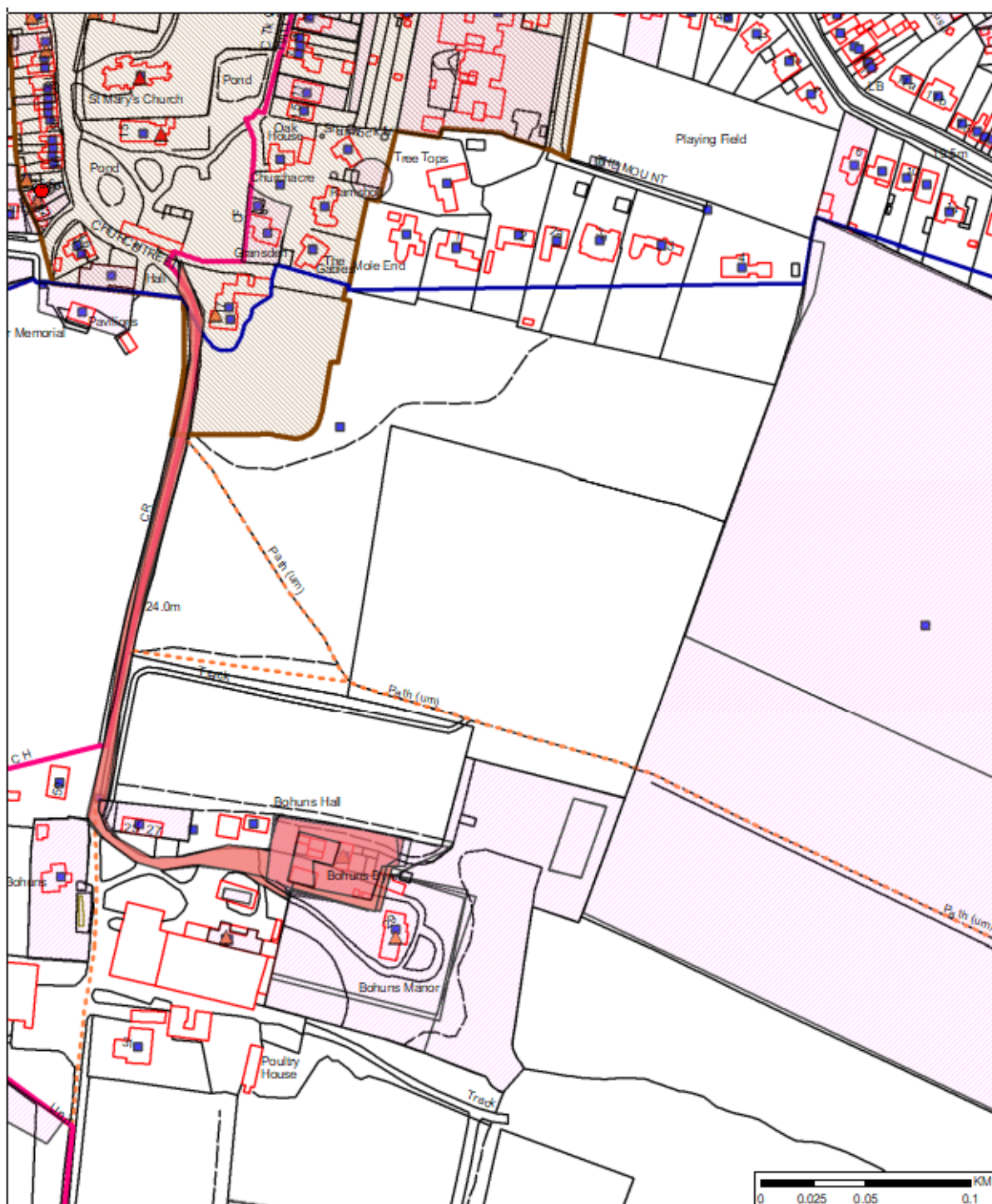
Application Number	20/00955/FUL & 20/00956/LBC
Location	Bohuns Byre Church Street Tollesbury
Proposal	Conversion, renovation and extension to historic barn to create 2 bedroom house.
Applicant	Mrs Katherine Brown
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	16.11.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Member Call In from Councillor E L Bamford for Departure from Local Plan


1. RECOMMENDATION

APPROVE planning permission subject to the applicant entering into a Unilateral Undertaking to secure the RAMS contribution and subject to conditions as detailed in Section 8 and **GRANT** listed building consent subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	23/11/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located in a rural area around 350m south of the defined settlement boundary of Tollesbury. The site as outline in red occupies the grade II listed building Bohuns Byre and its vehicular access from Church Street, the site is currently unkempt and overgrown with vegetation.
- 3.1.2 Bohuns Byre is in a poor state of repair and has been on the Council's Heritage at Risk Register since 2004. It is listed for its group value with Bohuns Hall, which is a part 3-storey former farmhouse, and Bohuns Barn, which is a timber-framed barn of a similar age to Bohuns Byre. All three of the historic listed buildings are now in separate ownership. The byre is a rare survival of a once common agricultural building type, and it includes a largely open cattle shelter with an undivided upper storey for storage. It is interesting to note that although the subject building is listed as a cow byre, recent analysis of the building has shown that it was first erected in the late-18th century as a stable with hayloft above, thus redefining the understanding of this heritage asset.
- 3.1.3 The site is set in a cluster of development with agricultural buildings and former agricultural workers' dwellings clustered around the farm yard at Bohuns Hall Farm. The setting of the listed building at Bohuns Byre, and that of the associated historic farmstead group, includes the surrounding and mainly open countryside.

The Proposal

- 3.1.4 Planning permission and listed building consent are sought for the restoration, extension and conversion of Bohuns Byre into a two bedroom dwellinghouse.
- 3.1.5 The extensive restoration works to the dilapidated building would involve repairs and the replacement of elements of the timber frame, the re-instatement and upgrading of the timber weatherboarding on the external elevations of the main building and the introduction of a clay-tiled roof covering which would replace the existing metal sheet covering.
- 3.1.6 Internally the ground floor level would remain open plan. At first floor level partitions would be introduced and a small mezzanine level would be accommodated within the roof space.
- 3.1.7 Two single storey lean-to extensions are proposed on the northern and western elevations of the building. The extension proposed on the northern elevation would measure 5m wide, 2.2m deep, 2.1m to the eaves and 4.3m to highest point of the lean-to roof form. The extension proposed on the western elevation would measure 6.6m wide, 2.3m deep, 1.95m to the eaves and 4.1m to the highest point of the lean-to roof form. Additional and upgraded window and door openings are proposed within every elevation of the building.

- 3.1.8 The existing access track to the site would be utilised for the proposed development with an upgraded driveway and parking area provided to the west of the building. The private amenity space would be provided to the north, east and south of the building, the majority would be laid to grass with two small terrace areas and a courtyard proposed.

Background Information

- 3.1.9 Planning permission and listed building consent were refused in 2010 under references 10/00250/FUL and 10/00251/LBC and the subsequent appeal was dismissed in 2011 for the change of use of the grade II listed building and associated outbuildings to a single dwelling. The reasons for refusal were as follows:

'The application site is situated within a rural area where the policies of the development plan require that the re-use of buildings is acceptable subject to certain criteria. Policies CC20 and CC21 of the adopted Maldon District Replacement Local Plan requires that regard will be given to the settlement policies of the plan, it must be demonstrated that the building cannot be used for an alternative employment use, any traffic use can be safely accommodated, that the building should not be altered in such a way as to detract from the rural character of the area and that the proposal should not radically alter the character and structure of the original building. The proposed conversion of this Grade II listed byre would not comply with the above policies. The application site is situated outside of the defined development boundary of Tollesbury village and the proposed development would not therefore accord with the Council's settlement strategy. In respect to its listed status, the proposal would seriously prejudice the character and structure both internally and externally of the original building and that the character and appearance of the surrounding area would be adversely affected. The Applicant has not provided sufficient evidence to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the byre, contrary to the aforementioned policies and Government Guidance PPS5 'Planning for the Historic Environment and PPS7 'Sustainable Development in Rural Areas'.'

The existing byre is Grade II listed and policies contained in the Development Plan require the protection of listed buildings and their sensitive re-use. It is considered that the proposed elongated extension, internal and external alterations to the byre would have a harmful effect on the character and special interest of the listed building and the domestication of the proposal would adversely affect its setting. Therefore this proposal would be contrary to policy CC20 of the adopted Maldon District Replacement Local Plan.

- 3.1.10 The Inspector for the appeal considered that the main issue to be *'the effect that the proposed works would have on the character of the listed building as a building of special architectural or historic interest, and on its setting.'* The following conclusion was drawn *'the development would harm the special historic and architectural importance of the byre, and its setting. Thus it would also fail to respect its contribution to local character. It would be contrary to criterion (e) of Policy CC21. In addition, insufficient special justification has been put to me to explain why the proposed dwelling should be allowed contrary to national policy in PPS7.'*

- 3.1.11 A significant amount of time has passed since the determination of the previous applications and the Planning Policy Statement (PPS) has been replaced by the National Planning Policy Framework (NPPF) and the Local Development Plan (LDP) 2014-2029 has replaced the Replacement Local Plan 2005. It must also be noted that the application is not identical in nature to that submitted in 2010. Notwithstanding this, the findings of the Inspector would remain a material consideration in the determination of this application.

3.2 Conclusion

- 3.2.1 The proposed development relates to the restoration, conversion and extension of Bohun's Brye, which is a listed building that has been on the Heritage at Risk Register for 16 years. The proposal would secure the sympathetic restoration and future of a vulnerable heritage asset, which is a material consideration of considerable weight.
- 3.2.2 In addition, the Council is unable to demonstrate a five year housing land supply (5YHLS) and as set out in the proceeding sections of this report, the location of the site for the residential development is considered to be acceptable. Further, the provision of a two-bedroom dwelling would contribute to the District's housing stock.
- 3.2.3 The resulting dwelling is not considered to adversely impact the neighbouring occupiers of the site or highway safety and parking provision and an amenity area would be provided in accordance with the recommended standards. Therefore, the proposal is considered to be acceptable and the benefits of the proposal outweigh any harm identified within the report.

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
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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
- D3 Conservation and Heritage Assets
- H2 Housing Mix

- H4 Effective use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Vehicle Parking Standards SPD (VPS)
- Maldon District Design Guide SPD (MDDG)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission and listed building consent are sought for the restoration, extension and conversion of Bohuns Byre into a two bedroom dwellinghouse. The application site is located in rural area outside of the settlement boundaries of the district.
- 5.1.2 The listed building subject of this application is in an extremely poor state of repair and has been on the Heritage at Risk Register since 2004. The sympathetic restoration of this historic building and securing its optimum viable use would potentially secure the building's long-term survival and would allow it to be removed from the Heritage at Risk Register. This would be a material consideration and a public benefit of significant weight in the determination of this application.
- 5.1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Maldon District Local Development Plan (MDLDP).
- 5.1.4 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the five year housing land supply (5YHLS).
- 5.1.5 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the 'tilted balance'. This is set out in paragraph 11d of the NPPF which states:

“For decision taking this means:

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

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

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

Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5 year housing land supply cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.7 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or that specific policies in this framework indicate development should be restricted’.
- 5.1.8 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 reiterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.10 Paragraph 78 of the NPPF states that:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'

- 5.1.11 The application site is located beyond the defined settlement boundary for Tollesbury, within the countryside and approximately 350m away from the settlement boundary of Tollesbury and 440m from the village center and its associated facilities/services. Tollesbury is defined as a larger village under Policy S8 larger villages are described as *'Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.'*
- 5.1.12 The site is within walking distance of the services and facilities within the village of Tollesbury and the proposal would not result in the unavoidable need for the use of a private car. Furthermore, no concerns in respect of the accessibility / social sustainability of the site have been historically raised by the LPA or the Planning Inspectorate and there are no significant changes to the site or surrounding area that would justifiably alter this stance. Therefore, the location of the application site is not considered to weigh against the proposal, in this instance.

5.2 Housing Land Supply and Need

- 5.2.1 In respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA. The proposal would provide one two-bedroom property. Therefore, taking into account, the benefit of the proposal providing a smaller unit and the Council's current position, the proposal would make a contribution to improving the Councils housing stock. A benefit can be drawn from the proposal in this respect, although minor given the net gain of one two-bed dwelling.

5.3 Optimal Viable Use of Bohuns Byre

- 5.3.1 Policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and

any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimal viable use. Policy D3 specifically states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, the Council will give great weight to the asset’s conservation. Any harm or loss will require clear and convincing justification.’

‘Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.’

5.3.2 In addition to the above, at paragraph 79 of the NPPF it states:

‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: .. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.’

Whilst it is noted that the proposal wouldn’t result in an isolated home in the countryside, due to the presence of existing residential developments in the immediate vicinity of the site, the support for securing the optimal viable use to secure the future of a heritage asset is clear within the government guidance.

5.3.3 The application has been supported by a Viability Statement dated September 2020 and a letter from MLM Group dated 2 July 2020, which comments upon the structural works required to be undertaken to the building and the associated cost. This information has been provided to demonstrate that the optimal viable use of Bohuns Byre is a residential use. The information provided is summarised below:

- The Byre has been reviewed a number of times by third parties to establish whether any other use is feasible/viable e.g. commercial, storage workshop or office. It has been concluded that due to its internal configuration, limited parking, access and potential conflict or disturbance to neighbouring properties, the cost of converting and seeking planning consent for change of use would be prohibitive for prospective tenants.
- There are a number of essential and structural repairs which would need to be undertaken before usage of any kind.
- In 2004 budget quotations to bring to the building to a structurally sound condition were obtained from various builders, these ranged from £120k- £160k. In the opinion of the MLM Consultant this quotation sounds reasonable for that time and given the 16 years that have elapsed, those figures would need to be significantly enhanced to bring them up to current price levels.
- It could be argued that the existing sole plates, and associated foundations, would not need to be replaced for agricultural usage purposes. However, it makes no sense to carry out long term repairs to the superstructure whilst leaving defective plinth walls and footings in place.
- A farming stewardship grant in order to preserve the building for farming usage was explored following the previous refusal but the grant was not available.

- In the last 10 years there have been no requests to rent or use the building in any capacity.
- In 2004 the Byre was refused change of use to class B1 business use.
- Two examples of relatively comparable commercial buildings for rent in Tollesbury have been provided and have a rental cost of £10,500 and £7,800 per year. Given the cost (in excess of £120k-160k) and time of repairs needed to restore the Byre and that there are currently no utilities or sewage of any kind on site it is not a realistic commercial venture.

5.3.4 The above information sets out that there are several building operations required to the structure to bring the building to a useable state, regardless of the proposed use. The cost of the repairs, quoted in 2004, was between £120k-160k and given that 16 years has passed it is noted that this figure is likely to have significantly increased. To bring to building to a useable state will require significant investment, the cost of the required structural repairs is extremely likely to make it unviable to agricultural or commercial investors, particularly having regard to the rental cost of comparable units in the area, which are located more centrally than Bohun's Byre.

5.3.5 In addition, this proposal would fully and sympathetically restore the building and secure its long-term conservation. The use of the building for agricultural or commercial purposes would not necessarily require a full restoration, as highlighted above or continual investment that the use of a dwellinghouse would attract. In this respect it is pertinent to note that the Council's Conservation Officer has stated; *'In my view, a more sympathetic solution for this vulnerable historic building is unlikely to be found.'* And *'A residential use would secure the building's long-term survival and would finally allow it to be removed from the Heritage at Risk Register'*. Further strengthening the argument that residential use is the optimal viable use of this heritage asset.

5.3.6 It is pertinent to note that part of the reason for refusal of applications 10/00250/FUL and 10/00251/LBC encompassed the fact that the proposal fell foul of a specific criteria of policy CC21 of the Replacement Local Plan 2005, as it was not satisfactorily demonstrated that the building could not be used for employment use. Since the determination of the 2010 applications the Replacement Local Plan 2005 has been replaced by the LDP and policy CC21 has been replaced by policies S1 and D1, neither of these policies require that it is specifically demonstrated that the building cannot be used for employment purposes. In addition, it is considered that under the terms of this application it has been demonstrated that the cost of the repairs would prejudice the use of the building for an employment use.

5.3.7 Therefore, having regard to the information supplied by the applicant, the above assessment and the history of the site it is considered that it has been demonstrated that the buildings optimal viable use is a residential use. Therefore, the proposal would with policy D3 and the guidance contained within the LDP in this respect.

5.4 Impact on the Character of the Area and the Significance of the Listed Building

5.4.1 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.

- 5.4.2 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”.

- 5.4.3 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.

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

- 5.4.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.4.6 The site is set in a small cluster of development with agricultural buildings and former agricultural workers' dwellings clustered around the farm yard at Bohuns Hall Farm. The setting of the listed building at Bohuns Byre and that of the associated historic farmstead group includes the surrounding and mainly open countryside.

- 5.4.7 The proposed development would result in the former agricultural building being converted into a single dwellinghouse with a formalised access track, parking area

and associated amenity space. The inherent domestication of the site would lead to some harm to the character and appearance of the rural area. This harm needs to be weighed against the public benefit of securing the sympathetic restoration, the optimal viable use of the listed building and the future and long term survival of Bohuns Byre, which has been on the Heritage at Risk Register for 16 years.

- 5.4.8 The main two storey element of Bohuns Byre, whilst retaining its form, is in an extremely poor state of repair the western elevation has been clad partly in proprietary boarding and partly in tarpaulin which detracts from the special character of the building. A substantial part of the timber frame was cut out from the western elevation when it was still in an agricultural use and there is extensive decay to timbers on the south elevation. The single storey outshoot to the east of the building has partially collapsed.
- 5.4.9 The application has been supported by a Design, Access and Heritage Statement, Historic Building Recording and Analysis of the Timber-Framed Byre and a Structural Investigation with Outline Schedule of Remedial Measures Required. This information has provided the applicants / agent with a good appreciation for the historic building's original design and evolution which has led the sympathetic design of the proposal.
- 5.4.10 The proposed works to the listed building includes extensive restoration and structural works to bring the building to a useable / habitable state and the rebuilding of the dilapidated eastern outshoot. In addition, two modest lean-to extensions and new and upgraded window and door openings are proposed. Internally the ground floor level would remain open plan. At first floor level partitions would be introduced and a small mezzanine level would be accommodated within the roof space.
- 5.4.11 A previous scheme to convert the building to a dwelling was refused in 2010 and dismissed at appeal in 2011 (10/00250/FUL and 10/00251/LBC) mainly because of the harm that scheme would have caused to listed building's character. The dismissed scheme sought permission for a large extension to the western elevation of the building which was double the footprint of the Byre and which the Inspector judged would be 'dominant' and 'overwhelming'. The current scheme proposes two modestly-scaled lean-to extensions on the northern and western elevations, which are sympathetic in scale and form, to the former agricultural building and would neither dominate nor overwhelm the existing building. Further, the dismissed scheme would have involved a considerable loss of part of the timber-frame, including the removal of a large section of the original first-floor structure. The proposed scheme would preserve all the original structure which exists.
- 5.4.12 In terms of the proposed window and door openings, the existing openings and areas where the timber-frame is missing would be utilised and the additional openings proposed are considered to strike a reasonable balance between the need for natural light and the established agricultural character of the building. High-level 'clerestory' style windows have been used as a device which will have minimal impact upon the building's external character. The southern elevation is most successful in preserving the original form of the listed building. Two original doorways would be reinstated with the doors pinned open to the side of these openings, restoring and reinforcing the original design of the south elevation.

- 5.4.13 Internally the ground floor would remain open-plan preserving the undivided volume of the space, it is intended to reuse the old brick paviers, which is a positive aspect of the scheme. The base of the existing staircase will be realigned, considering that the archaeological investigation established these stairs to be late-20th century in date, it is not considered that this aspect would harm the significance of the heritage asset. At first-floor level, partitions would be introduced to create two bedrooms and en-suite bathrooms. While the queen-post trusses would remain visible from within the bedrooms, their visual impact would be diminished by the partitioning. However, it is noted that the proposed layout has been designed to minimise this effect. A small mezzanine floor would be introduced to the building which would allow views of the existing bird-nesting shelves which would be retained.
- 5.4.14 The proposed change of use and physical alterations would cause some harm to the significance of the listed building. The proposed domestication of the site and the window and door openings would alter the buildings character to a degree and the sub-division of the first floor would alter the experience of the existing first floor. However, there are many positive aspects of the scheme which would benefit and enhance the existing building most notably the structural repairs, the reinstatement of timber weatherboarding on the western elevation, and the introduction of a traditional clay-tiled roof covering. The Council's Conservation Officer has been consulted for their specialist views and their comments are in line with the above assessment. In addition, it has been confirmed that the degree of the identified harm would fall well below the high threshold of 'substantial harm' and could be fairly described as limited. Paragraph 196 of the NPPF requires 'less than substantial' harm to be *'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. On balance and taking into account the that a residential use is considered to be the optimal viable use of the listed building, it is considered that the benefits of the scheme outweigh the identified harm in this instance.
- 5.4.15 Therefore, taking into account the above assessment and all the material consideration in respect of the proposal, it is considered that the limited impact of the development on the character and appearance of the area is outweighed by the improvements and restoration to the listed building, in compliance with policies S1, S8, D1 and D3 of the LDP and the government guidance contained within the NPPF. It therefore follows that the environmental strand of suitability is satisfied.

5.5 Impact on Residential Amenity

- 5.5.1 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).
- 5.5.2 The application site has one immediately adjacent neighbouring occupier to the south of the site 'Bohuns Hall' which is located around 25m from Bohuns Byre. There are two further residential properties within the immediate vicinity of the site '25-27 Church Street' which is in excess of 80m from Bohuns Byre and 'De Bohuns' which is located in excess of 120m from Bohuns Byre. It is pertinent to note that no concerns in relation to the impact on the residential amenity of the neighbouring

occupiers were raised under the previously refused application reference 10/00250/FUL.

- 5.5.3 The building is existing and would not be altered in terms of height. Whilst the footprint of the building would be extended due to the modest lean-to extensions, they are single storey in nature. Therefore, it is not considered that the proposal would result in a loss of light or an overbearing impact to the surrounding neighbouring properties.
- 5.5.4 In terms of overlooking it is noted that concerns have been raised by the surrounding neighbouring occupiers in this respect. As above De Bohuns is located in excess of 120m from the Bohuns Byre and the proposed widows would not have a direct view of this property. 25-27 Church Street is in excess of 80m from Bohuns Byre in a western direction, any direct views into the main windows or private amenity space of the existing dwelling would be mitigated given the significant separation distance. The Byre is located 25m from Bohuns Hall, at its closest point, in a north-west direction and is situated forward of the front elevation of the neighbouring property. Section C07 of the MDDG requires that where new development backs on to the rear gardens of existing housing, the distances between the buildings should be 25m. It is noted that this is a conversion and the proposal does not back onto the rear garden of the neighbouring property however, 25m is bench mark for an appropriate distance which mitigates overlooking concerns. In addition, there is existing and established vegetation which would provide natural screening between the two properties (a condition has been recommended to secure the appropriate landscaping of the site). Therefore, no concerns in relation to overlooking are raised.
- 5.5.5 The lawful use of the site is for agricultural / equestrian purposes, it is not considered that a two bedroom dwelling would result in additional traffic or noise pollution, when considering the current lawful use.
- 5.5.6 Therefore, given the above assessment, no concerns in respect of the impact of the proposal on the surrounding neighbouring occupiers are raised.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.6.2 The proposed dwelling would provide two bedrooms which results in a requirement for two off street car parking spaces. There is an area adjacent to the access track, to the west of the building, that would provide space to comfortably accommodate two vehicles. Therefore, no concerns in respect of parking provision are raised.
- 5.6.3 The access to the site would be taken through the existing access point to the Byre, it is understood that there is a right of access across the farmyard. The Essex County

Council (ECC) Highways Authority has been consulted and no concerns were raised in relation to the access to site or highway safety.

5.7 Private Amenity Space and Landscaping

- 5.7.1 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.7.2 The proposed dwelling would be served by an area of private amenity space which exceeds the recommended standard of 100m². Therefore, no concerns in this respect are raised.
- 5.7.3 Limited details in respect of the proposed landscaping and boundary treatments have been submitted with the application. Therefore, it is recommended that conditions are imposed to ensure full details are submitted for approval in this respect.

5.8 Ecology

- 5.8.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 5.8.2 Policy N2 of the LDP which states that:

“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”

- 5.8.3 The application has been accompanied by an Extended Phase 1 Survey dated February 2020 prepared by Hiller Ecology. The Ecology Consultant has assessed the information and raised no object subject to three conditions.
- 5.8.4 In terms of off-site impacts, this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England (NE) advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.8.5 NE 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 'ZoI' of these sites cover the whole of the Maldon District.
- 5.8.6 NE anticipate that, in the context of the LPA'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 (LSE) on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.7 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.8 As the proposal is for less than 100 houses and is not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £125.58 per dwelling.
- 5.8.9 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a LSE to a European site in terms of increased recreational disturbance, as follows:

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

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

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

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

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

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

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a LSE on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £125.58 is necessary. A Unilateral Undertaking to secure the abovementioned contribution has been sent to the applicant and subject to its completion the impact of the development will be mitigated.

5.9 Planning Balance and Sustainability

- 5.9.1 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Any economic benefits would therefore be considered to be minimal.
- 5.9.2 In social terms the development should assist in supporting a strong, vibrant and healthy community. The site is considered to be located in an area where there is access to facilities and is not remote from day to day services without the unavoidable need for the use of a private car. Due to the limited number of dwellings proposed the social benefits are considered to be of a minimum.
- 5.9.3 In environmental terms the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. However, this would need to be balanced against the impact of the development on the surrounding area and any environmental impact that may be caused. Whilst the development would have a detrimental impact on the character of the area this is considered to be outweighed by the benefits of protecting and ensuring the long term retention of the listed building.

6. ANY RELEVANT SITE HISTORY

- **04/00131/FUL** and **04/00132/LBC** - To convert Byre to dwelling including extensions. Refused
- **05/00256/FUL** and **05/00255/LBC** - Extension to Byre and conversion to business use. Refused
- **10/00250/FUL** and **10/00251/LBC** - Change of use of Grade II Listed Building and associated outbuildings to a single dwelling. Refused and Appeal Dismissed.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Unanimously agreed to recommend refusal of this application due to the following: - The MDC Local	Noted and issues discussed within the main body of this report.

Name of Parish / Town Council	Comment	Officer Response
	<p>Development Plan and its housing policy is robust and being delivered, no new individual houses of this type are required.</p> <ul style="list-style-type: none"> - The applicant has not provided sufficient evidence that the Byre has been marketed to establish if there is any alternative possible use for the building. - The applicant has not provided sufficient evidence that no other use is financially viable. <p>Converting the Byre into a residence should be the very last option as this type of development usually does the most damage to a listed building.</p> <ul style="list-style-type: none"> - The applicant has not put forward a coherent argument that supports its approval under MDC's LDP Policies S1, S8, H4 and D3. - There is no historic impact assessment - There is a reference to the removal of 2 significant trees, there is no tree survey with the planning documents. - The footprint of the building has not changed since the previous application which was for a four-bedroom house even though the number of bedrooms on this application has reduced. A normal two-bedroom house would have a footprint of between 80-95 square meters. 	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Historic England	We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.	Noted.
County Highways	No objections.	Noted.
Ecology	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Support the application subject to conditions.	Discussed in section 5.4 of this report.
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 **Three** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
The proposed development will have a serious impact on our living conditions and amenity of our and other nearby properties.	Discussed in section 5.5 of this report.
Would not fall within the definition of affordable housing.	There is no requirement for the development of a single dwelling to be 'affordable'.
The application site is located outside of a defined settlement boundary if this proposal is approved it may set a precedent for other renovation and conversion of agricultural buildings in the area which are also outside of the development envelope, which would serve to undermine the LDP and NPPF's efforts.	Discussed in section 5.1 of this report.
It would be preferable to see it returned to agricultural use rather than converted to a residential dwelling.	Noted and discussed in section 5.1 of this report.
Dramatic and detrimental effect on the	Discussed in section 5.2 of this report.

Objection Comment	Officer Response
existing natural rural appearance of the site, plainly visible from public access routes.	
Overlooking concerns.	Discussed in section 5.5 of this report.
Access concerns.	Discussed in section 5.6 of this report.
Tree concerns.	A condition in this respect has been recommended.
Concerns regarding potential future alterations and extensions of the building.	The application is assessed on the information before the LPA. Any future development would be the subject of future applications, to be assessed at that time.
As a family farming next door, we have made numerous attempts to purchase or rent the barn for agricultural purposes since 2004. Most notable of these include a letter written by Stanfords on behalf of myself on 2nd August 2005 offering to lease the Byre for a reduced agricultural rent and undertake the repairs suggested by Maldon District Council at the lessee's own costs, subject to contract. I myself am still interested in the lease or purchase of the barn at current agricultural market rates using the barn for lambing in the rearing of rare breed sheep on the adjacent field.	The intentions of the objector are noted. However, no evidence to substantiate the claims or assessment of the viability of this option has been submitted and it does not outweigh the assessment contained within section 5.1 of this report.
There is no evidence to suggest that the applicants have made any effort to market the property.	Discussed in section 5.1 of this report.
The conversion of the barn into residential use, would have a damaging impact on the agricultural heritage of the building.	Discussed in section 5.4 of this report.
There has been no mention made in the submitted documents as to how the property would be screened to mitigate these impacts on the surrounding countryside.	A condition in this respect has been recommended.
Ecology concerns.	Conditions in this respect has been recommended.
Speculation on the intention of the applicants.	This is not a material planning consideration.
We have not been consulted by the owner or their consultancy team.	There is no requirement for the applicant / agent to consult the neighbouring occupiers.

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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: A18561/Loc1, A18561-Block Rev B, A18561-PP01 Rev B, A18561-PP02 Rev B, A18561-PP03 Rev B, A18561-PP04 Rev B, A18561-PP05 Rev B, A18561-PP06 Rev B, A18561/SUR01, A18561/SUR02 and A18561/SUR03.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the repair work, a report prepared by a timber-frame-repair specialist which describes the intended repair methodology and illustrates on accurate 1:50-scale drawings of the building's timber frame the extent of repair / replacement required, shall be submitted to the council for approval. The development shall be carried out in full accordance with the submitted details.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 4 Details including photographs of the roof tiles and bricks to be used in the development and information on their source of origin shall be submitted for approval prior to their use, the development shall be carried out using the approved materials and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 5 Large-scale drawings of all new windows, rooflights and doors – illustrating elevations at 1:20 and sections through head, cills and glazing bars – shall be submitted for approval prior to their installation. The development shall be carried out in full accordance with the submitted details and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 6 The new weatherboarding shall match the dimensions, profile and finish of the existing weatherboarding.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 7 All new external joinery shall be of painted timber only and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 8 All new rainwater goods shall be of cast aluminium painted black and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 9 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls including brick bond and coping brick detail, 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 locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

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

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

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 hard and soft landscaping are appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 11 No development above ground level shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON To ensure the appropriate protection and retention of existing trees at the site to protect the rural area in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 12 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, February 2020) as submitted with the planning application including, but not limited to, due diligence for nesting birds, installation of bird and bat boxes, creation of a hedgehog home.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan

- 13 No development above ground level shall take place (including any demolition and site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan.

- 14 Prior to the occupation of the dwelling a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within The Extended Phase 1 Survey (Hillier Ecology, February 2020), including location of any native/wildlife friendly planting and installation of bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan.

- 15 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has been submitted to and agreed in

writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 years events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

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

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

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

REASON To protect the rural locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 18 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON In the interest of highway safety and in accordance with policy D1 of the Local Development Plan.

INFORMATIVES

- a. 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.
- b. 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.

- c. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours
 - i. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - ii. No dust emissions should leave the boundary of the site;
 - iii. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - iv. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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

- d. 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.
- e. 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.

GRANT listed building consent subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: A18561/Loc1, A18561-Block Rev B, A18561-PP01 Rev B, A18561-PP02 Rev B, A18561-PP03 Rev B, A18561-PP04 Rev B, A18561-PP05 Rev B, A18561-PP06 Rev B, A18561/SUR01, A18561/SUR02 and A18561/SUR03.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the repair work, a report prepared by a timber-frame-repair specialist which describes the intended repair methodology and illustrates on accurate 1:50-scale drawings of the building's timber frame the extent of repair / replacement required, shall be submitted to the council for approval. The development shall be carried out in full accordance with the submitted details.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 4 Details including photographs of the roof tiles and bricks to be used in the development and information on their source of origin shall be submitted for approval prior to their use, the development shall be carried out using the approved materials and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 5 Large-scale drawings of all new windows, rooflights and doors – illustrating elevations at 1:20 and sections through head, cills and glazing bars – shall be submitted for approval prior to their installation. The development shall be carried out in full accordance with the submitted details and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 6 The new weatherboarding shall match the dimensions, profile and finish of the existing weatherboarding.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 7 All new external joinery shall be of painted timber only and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 8 All new rainwater goods shall be of cast aluminium painted black and retained as such thereafter.

- 9 REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls including brick bond and coping brick detail, 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 locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

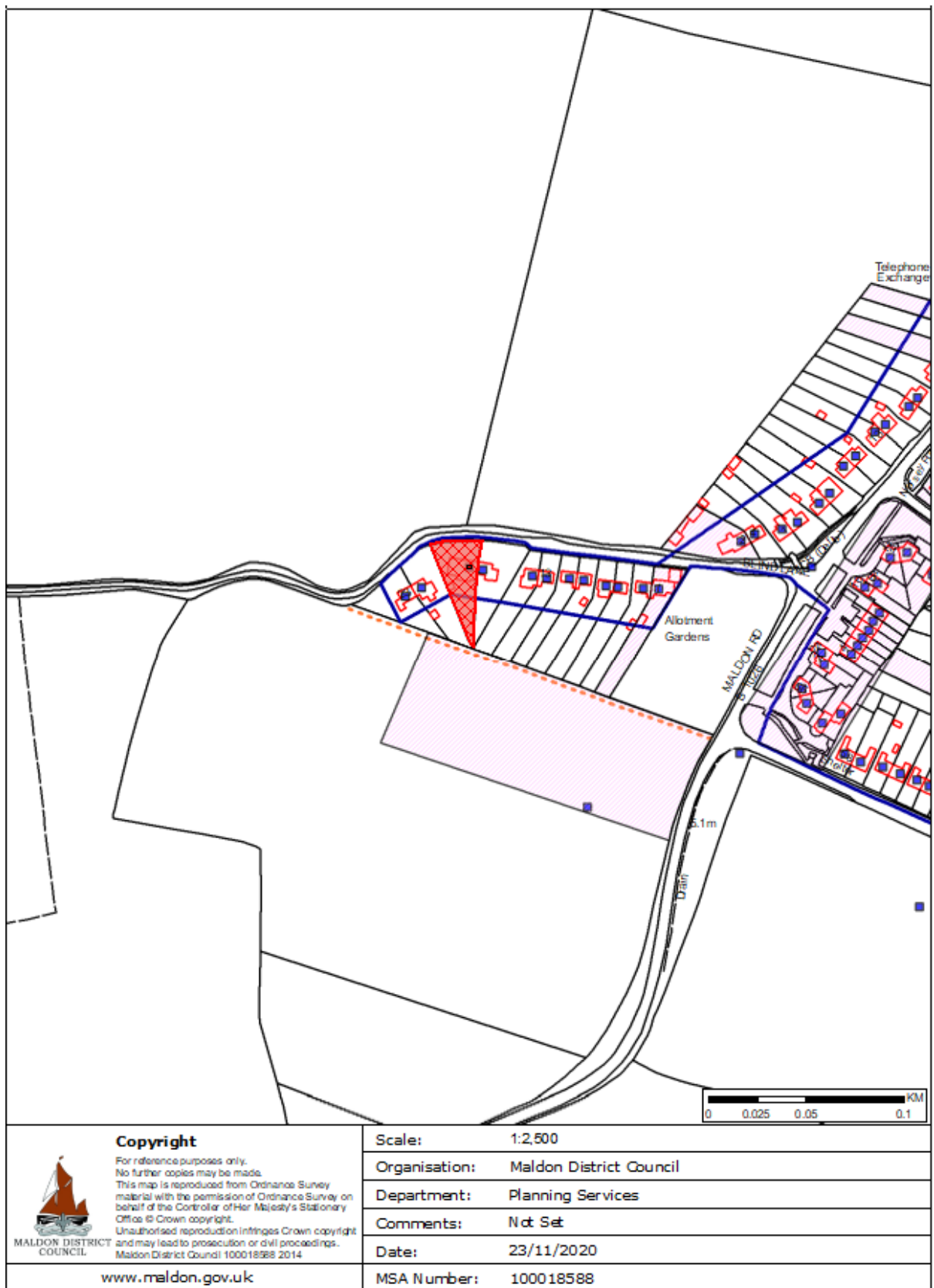
Application Number	20/00974/HOUSE
Location	19 Blind Lane, Goldhanger
Proposal	Double garage with room in roof to the front of existing dwellinghouse
Applicant	Wells
Agent	Paul Lonergan - Paul Lonergan Architects
Target Decision Date	19.11.2020
Case Officer	Hannah Bowles
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Member Call In from Councillor Mrs M E Thompson - Reason: Goldhanger Parish Council has asked me to call this in as they support the application. The relevant policy is D1, in particular items a & b.

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

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 southern side of Blind Lane, whilst the majority of the site falls within the settlement boundary of Goldhanger, a small section of the rear garden falls just outside. The site is occupied by a semi-detached dwellinghouse. The surrounding area is semi-rural in nature, with open and undeveloped fields opposite and to the rear of the site, and residential dwellings to the east and west.
- 3.1.2 Planning permission is sought for the erection of a double garage with a room within the roof space. The proposed garage would be sited in a prominent position to the front of existing dwellinghouse. It is also proposed to erect a 1.2m high close boarded fence along the majority of the site's frontage.
- 3.1.3 The proposed outbuilding would measure 6.5m wide, 7.5m deep, 2.3m to the eaves and 5.95m to the ridge of the pitched roof. The proposed external materials are facing brick, red plain tiles and uPVC garage doors and rooflights.
- 3.1.4 The outbuilding would provide a double garage at ground floor level, with adequate space to park two vehicles and a room within the roof space. Correspondence has been received which confirms that the first floor room would provide a personal space for the applicant's severely autistic adult son.

3.2 Conclusion

- 3.2.1 The proposed development would result in a visually prominent addition to the site and streetscene which would dominate the frontage of the site and form an incongruous development within the streetscene. The applicant's personal circumstances have been taken into account however the weight attributed to this does not outweigh the identified harm. Therefore, due to the visual harm to site and surrounding area the proposal would not comply with policies D1 or H4 of the Local Development Plan (LDP).

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:

- 38 Decision-making
- 47-50 Determining applications
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies D1 and H4 of the approved LDP.

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 National Planning Policy Framework (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 (2017).
- 5.2.5 The application site lies in a semi-rural area in a location where the built-up nature of the settlement of Goldhanger transitions into rural area beyond. The site is located in a string of residential development made up of semi-detached dwellings which front the highway. The frontage of the dwellings within the vicinity of the site are open and free from built form and are served by open frontages or low level boundary treatments.
- 5.2.6 The proposed outbuilding would be sited in a visually prominent position; 1.6m from the front elevation of the dwellinghouse and 1m from Blind Lane. The frontage of the application site, like the surrounding properties is open and free from development. The construction of a double garage with a room within the roof space would have a significant and detrimental visual impact on the site and surrounding area and would form a development which is out of keeping with the existing development within the surrounding area.
- 5.2.7 The scale of the proposed garage exacerbates the harm, at 6.5m wide and 7.5m deep the proposed outbuilding would cover a large portion of the frontage of the dwellinghouse. The ridge height of the proposed garage is 5.95m which results in the outbuilding exceeding the eaves height of the main dwelling. The cumulative impact of the siting, width, depth and height of proposed outbuilding is considered to result in the proposed outbuilding forming a prominent and dominant addition to the site and surrounding area.
- 5.2.8 It is noted that 1 Blind Lane is served by a detached garage to the front of the property. Firstly, it must be noted that, due to the distance and built form between the two properties the developments would not be viewed in context of each other. Secondly, the existing detached garage at 1 Blind Lane is of a lesser scale at 5.5m by 5.5m with a ridge height of 4.5m. Therefore, is not considered that the existence of a detached garage at 1 Blind Lane is directly comparable or justifies the larger and more prominent development proposed as part of this application.
- 5.2.9 Adding to the overall harm of the development is the proposal to include a 1.2m high close boarded fence along the majority of the front boundary of the site. This would be in stark contrast to the existing open frontages or low level boundary treatments present along the frontages of all twelve of the properties that make up this string of development. Given the visual harm that this element of the proposal would cause to the streetscene, it is considered that this would not be acceptable. However, it must be noted that this does not form part of the description of works and therefore, if the application was to be approved a condition could be imposed to ensure that details of an alternative and appropriate boundary treatment is submitted to the Local Planning Authority (LPA) for agreement prior to its installation.
- 5.2.10 Given the above assessment it is considered that the proposed development would result in a visually prominent addition to the site and streetscene which would dominate the frontage of the site and form an incongruous development within the streetscene. The applicant's personal circumstances have been taken into account, and discussed further below, and the weight attributed to this does not outweigh the

identified harm. Therefore, due to the visual harm to site and surrounding area, the proposal would not comply with policies D1 or H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site has two immediately adjacent neighbouring occupiers no. 17 Blind Lane is located to the east of the application site and no. 21 Blind Lane is located to the west of the application site.
- 5.3.3 The proposed outbuilding would be sited 7.1m from the front elevation of no. 17 and 13.7m from the front elevation of no. 21. Given the distance and orientation of the buildings in relation to each other, it is not considered that the proposal would result in an overbearing impact, loss of light or overlooking to the detriment of the neighbouring occupiers.

5.4 Parking Provision

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The dwelling at the application site accommodates six bedrooms and therefore there is a requirement of three off street car parking spaces. The proposed double garage is of an adequate size to accommodate space to park two vehicles and a further two spaces could be accommodated to the south of the proposed outbuilding. Therefore, no concerns in terms of parking provision are raised.

5.5 Private Amenity Space

- 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 Maldon Design Guide (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The proposed outbuilding would be located to the front of the dwelling on the application site and would therefore not result in a loss of the private amenity space that currently serves the site. Therefore, there are no objections in this respect.

5.6 Other Material Considerations

- 5.6.1 The Applicant has highlighted some personal circumstances that they consider weigh in favour of the planning application and it is considered appropriate to balance the personal benefits of the proposal against the harm highlighted above.
- 5.6.2 In Westminster City Council v Great Portland Estates plc (1985), it was confirmed that the personal circumstances of the applicant could be taken into account as a material consideration. However, it must be noted that in most instances personal circumstances are normally a material planning consideration that should be given minimal weight. This, because although the applicant might apply for permission in person, any permission granted usually applies to the land and property itself, and passes with the property, should it be sold. The Decision Maker is required to have regard to this wider and long-term consideration, rather than any personal factors or characteristics that might apply to the particular applicant at any one point in time.
- 5.6.3 This has resulted, through previous guidance and refined through caselaw, for the personal circumstances of the Applicant needing to be considered as “very special circumstances”. Unfortunately, there is no definite list for what will constitute very special circumstances, but the threshold intrinsically has to be high and will turn on the facts and circumstances of the individual application.
- 5.6.4 The Applicant has provided some information in relation to the reasoning for the application. Whilst the LPA is sympathetic to the needs of the Applicant and his family there is a need to consider the application against the Development Plan unless material considerations indicate otherwise. In this instance the information provided by the Applicant is limited and has not provided a detailed rationale behind the need for the development or why other alternatives, such as a detached single storey structure could not be provided to the rear or why the garage is needed, have been included and therefore, it is not considered that the personal circumstances of the Applicant outweighs the conflict with the Council’s adopted policies highlighted above.
- 5.6.5 Given the siting and scale of the proposed development it is considered reasonable to impose a condition, if planning permission were to be granted, ensuring that the use of the proposed development remains incidental to the main dwelling on site.

6. ANY RELEVANT SITE HISTORY

- **02/00159/FUL** - Proposed single and two storey extensions – Refused
- **02/00784/FUL** - Two storey side and rear extension – Refused
- **04/00703/FUL** - Single storey side and rear extensions – Approve

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	Support	Noted.

8. REASON FOR REFUSAL

- 1 The proposed development due to its siting in a visually prominent position, within the sites frontage and close proximity to Blind Lane, combined with the height and bulk of the proposal would form a dominant and incongruous development that would harm the character and appearance of the site and surrounding area. The proposal therefore fails to accord with policies D1 and H4 of the Local Development Plan and Government advice as contained in the National Planning Policy Framework.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

Application Number	20/01000/OUT
Location	Building at the Old Dairy, Broad Street Green Road, Great Totham
Proposal	Replacement of a commercial building with up to three dwellings
Applicant	Mr Lawson
Agent	Peter Le Grys – Stanfords
Target Decision Date	15.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor J V Keyes Reason: S1, S8, E1 and H4

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Building At The Old Dairy, Breat Street Green Road, Great Totham
20/01000/OUT



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Area Planning Committee
Date:	01/12/2020
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the western side of Broad Street Green Road and does not fall within any defined settlement boundary. The existing building is located central to the wider site which has an existing lawful B1 (b) and (c) use. The red line boundary extends approximately 0.10 hectares and is currently occupied by a commercial building used in association with the wider site. The surrounding area is predominately residential consisting of properties fronting Broad Street Green Road, with linear residential development fronting Poplar Grove Chase to the south.
- 3.1.2 The application site is bordered by open fields to the north and west, a commercial building directly to the east, with an access to a barn and stables to the north west of the site running through the site.
- 3.1.3 Outline planning permission is sought for the principle of up to three dwellings with an unknown number of bedrooms. The outline application procedure allows for applicants to identify specific matters for consideration which includes the principle of development, layout, access, scale, appearance and landscaping. The application has identified that this application is to consider the principle of the development only. The considerations of access, scale, appearance and landscaping will form the subsequent reserved matter application, should outline permission be granted for this proposal. Nevertheless, all material planning considerations are relevant where applicable to this application.

3.2 Conclusion

- 3.2.1 It is not considered that the provision of up to three dwellings would be acceptable on this site, due to the unjustified loss of employment and the impact on the character and appearance of the surrounding area. The development would result in an incongruous grain of development and would not make an overly positive contribution in terms of social or economic sustainability. The proposal is therefore unacceptable and contrary to the content of national and local planning policies.

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
- E1 Employment
- 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. This is set out in 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 through Government policy, at paragraph 47 of the National Planning Policy Framework (NPPF).
- 5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the Five Year Housing Land Supply (5YHLS).
- 5.1.3 Where a Local Planning Authority (LPA) is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘Tilted Balance’. This position is set out in paragraph 11d, together with its footnote 7, of the NPPF which states:

“For decision taking this means:

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

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

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

‘Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37)
- 5.1.5 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or that specific policies in this Framework indicate development should be restricted’
- 5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF and relevant policies in the Local Plan.
- 5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The Local Development Plan through Policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF’ the Local Planning Authority are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.

5.1.8 Paragraph 78 of the NPPF states that:

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

- 5.1.9 The application site is located 700 metres from the settlement boundary of Heybridge and over 1200 metres from the settlement boundary of Great Totham. Heybridge is described under Policy S8 as being a main settlement, with a range of services and employment opportunities, retail and education with good public transport links. Furthermore, there is a bus stop located to the south of the access which is serviced by the 75 offering frequent transport to Maldon and Colchester. Therefore, it is considered that in terms of sustainability and accessibility the site would be appropriately located, despite being outside a defined settlement boundary, due to the close proximity to numerous facilities. There is also a bus stop located approximately 54 metres from the access as shown on the Block Plan provided
- 5.1.10 Further to the above, the site is previously developed land and it is noted that the NPPF states that that planning policy and decisions should give weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. This site is not within a settlement boundary and whilst the NPPF encourages the re-use of land, this does not necessarily mean that the re-use for residential purposes should automatically be supported.
- 5.1.11 Policy S8 states 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 the development is for one of the development types listed within that policy. The proposed residential dwellings would not fall within any of the categories listed within policy S8. It is considered that the site could be used for any of the accepted purposes that are set out within policy S8 which would be policy compliant whilst also achieving the re-use of previously developed land. Such uses should be explored before it can be argued that residential use is the only prudent re-use of the site. No information has been provided in relation the other options explored.
- 5.1.12 Furthermore, the NPPF supports the re-development of previously developed land within settlement boundaries. As stated above, the application site falls outside of any defined settlement boundary and whilst the LDP currently carries limited weight in this regard, it is not considered, taking into account the above assessment that the proposed provision of three dwellings on this land would be supported taking into account the guidance contained within the NPPF.
- 5.1.13 It is acknowledged that the site is relatively well connected by means of sustainable transport and this is given appropriate weight in the assessment of the application. However, based on the above assessment, it is not considered that sufficient information has been provided to evidence that the use of the land for residential purposes is the only viable option for the site and that other, more appropriate, uses

have been considered. Therefore, the principle of development would be unacceptable at this site unless material considerations outweigh this presumption and weigh heavily in favour of the application proposal.

5.2 Employment

5.2.1 The proposed development would result in the loss of an existing employment use (previous B1, now known as Class E (E(g))) therefore the application will also need to be assessed against policy E1 of the LDP.

5.2.2 Policy E1 of the LDP, states that proposals which will cause any loss of existing employment uses, whether the sites are designated or undesignated, will only be considered if:

- 1) The present use and activity on site significantly harms the character and amenity of the adjacent area; or*
- 2) The site would have a greater benefit to the local community if an alternative use were permitted; or*
- 3) The site has been marketed effectively at a rate which is comparable to local market value for its existing use, or as redevelopment opportunity for other Class B Uses or Sui Generis Uses of an employment nature, and it can be demonstrated that the continuous use of the site for employment purposes is no longer viable, taking into account the site's existing and potential long-term market demand for an employment use.*

5.2.3 With regards to Policy E1(1), the existing lawful use of the site is B1 and the site has been used as a commercial premise in excess of 50 years. Therefore, it is not considered that the present use of the site significantly harms the character and amenity of the area.

5.2.4 With regard to Policy E1(2) the proposal seeks to demolish the existing building and replace it with up to three dwellings. Notwithstanding the lack of a 5YHLS, the residential use is not considered to provide any pertinent benefits to the local community that would weigh heavily in the proposal favor.

5.2.5 With regard to Policy E1(3), the policy clarification states that the site should be marketed for a sustained amount of time and it is generally considered that 1 year is appropriate. Supporting evidence has been provided which consists of three letters from Kemsley; two of which relate to the marketing of the whole site for sale (dated 25th April 2017 and 16th August 2017) and the other is dated 26th June 2019. The earlier letters confirm that the premises as a whole was marketed appropriately and the latter advises that there were few enquiries towards the premises with no inspection of the premises from outside parties. The premises was advertised on Kemsley's website, a marketing board was erected outside the site and an advert was placed in the Maldon and Burnham. The letter goes on to state that of the parties that made enquiries, a number were interested in acquiring the property as to the potential sale for residential development, concluding that no notable enquiries were received during the two year time period.

5.2.6 The supporting information indicates that the site has been marketed in excess of one year, as recommended. However, it must be noted that this application relates solely

to one building within the site rather than the site as a whole. If the Applicant wishes to break up the planning unit, as with this application, it would be reasonable for the marketing of the site to have allowed for such an approach. Therefore, whilst it is noted that the site has been marketed for some time it is not considered that the supporting information provided would substantiate the claim that the application site itself has been marketed appropriately. Therefore, given the above it is not considered that the proposed development is in compliance with Policy E1 of the LDP.

5.3 Housing Need and Supply

- 5.3.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, in respect of the Council's current land supply position and the engagement of paragraph 11d, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development and the LDP policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.3.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.3.3 Whilst the LDP carries limited weight at present in terms of the policies relevant to the delivery of housing (S2 and S8), the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA. The proposal would provide up to three dwellings and such a limited provision of dwellings would make a negligible contribution to the district's housing supply. However, should the application be approved it is considered that a condition could be imposed to ensure that three smaller dwellings are provided (maximum of two bedrooms); this would weigh in favour of the proposed development and would contribute towards the social strand of sustainability within the NPPF. However, overall this is considered to be of a limited benefit.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.

- 5.4.2 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”.

- 5.4.3 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.’*

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

- 5.4.5 The surrounding area is characterised by larger dwellings set within spacious plots which maintain a degree of openness that contributes to the character and appearance of the site, or by pairs of dwellings set within spacious plots with an average pair occupying a plot width of between 30 and 40 metres. Properties to the east of Broad Street Green are set between 3 metres and 22 metres from the boundary with Broad Street Green Road and properties to the north of Poplar Grove Chase are set between 14 metres and 22 metres from the boundary with this highway. The application site has a width of 30 metres and is set approximately 28 metres from the boundary with Broad Street Green Road.

- 5.4.6 Whilst it is noted that the proposed residential dwellings would replace an existing industrial building the proposed development would cause material harm to the character and openness of the countryside by resulting in the domestication and urbanisation of the site and the countryside, which would be exacerbated by the unavoidable resultant residential paraphernalia that would accompany the proposed dwelling. The intrinsic character of the countryside is that it should be open and free from unnecessary development. Erecting up to three dwellings at this site would therefore erode the character and appearance of the site and represent the intrusion of residential development into the site.

- 5.4.7 Based on the area of the application site and its location, it is considered that the provision of three dwellings on this site would result in an incongruous form of development taking into account, that other properties along Broad Street Green Road have a frontage on to the highway, the location of the site would result in up to three dwellings set further back and without any interaction with the highway, going against the existing grain of built form which contributes to the character and appearance of the surrounding area. Furthermore, whilst it is noted that the application is outline in nature it is noted that the properties within the surrounding area are generally set within spacious plots and due to the limited size of the site (0.10 hectares) it is considered that the provision of three dwellings on this parcel of land would not be able to replicate the general openness and spaciousness which makes up the prevailing character of the area. This concern is reflective of the points raised by the Planning Inspector when dismissing an appeal at the site in 2017 (paragraph 13). Whilst it is noted within the supporting statement accompanying the application, it is the intention that the proposed built form to be provided would be comparable to the existing built form on site; it is considered that due to the inherent domestication of the site (e.g. parking, domestic paraphernalia etc.), the site being within the countryside, the proposals conflict with the existing urban grain and the fact the application is outline in nature the Council does not consider that this position can be agreed with.
- 5.4.8 As the proposal is in outline form with all matters reserved it is considered that it is not the appropriate arena to assess the scale, layout or appearance of the development in details. Notwithstanding, however well these matters are addressed at reserved matters stage, the abovementioned harm will not be able to be off-set or mitigated.
- 5.4.9 Having considered the above, due to the resultant and inherent domestication and urbanisation of the site, the proposal would significantly harm the site and result in a detrimental impact upon the character and appearance of the area contrary to the guidance within the NPPF, policies S1, S8, D1 and H4 of the LDP and the adopted MDDG.

5.5 Impact on Residential Amenity

- 5.5.1 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 minimise 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.
- 5.5.2 The application site is bordered by open fields to the north and west, a commercial building directly to the east with No.28 to the east of this approximately 17 metres from the application site, with the next closest immediate neighbouring property being to the south 'Holly Cottage' No.30 Broad Street, Green Road. This property is located over 30 metres from the application site. Subject to the detailed positioning of the proposed dwelling, it is considered that up to three dwellings could be built on the

application site which would not result in a harmful loss of light or loss of privacy to these neighbouring occupiers.

5.5.3 Furthermore, it is considered that, subject to appropriate conditions, the level of development proposed could be provided on site without having a detrimental impact on the standard of accommodation provided through the interrelationship between the dwellings.

5.5.4 The proposed dwellings would be located within a wider commercial site, with access to stables and barn which are located to the north west of the application site, running through the centre of the application site. A noise impact assessment has not been provided as part of this application and therefore, limited information has been provided as part of this application in regards to the noise impacts of commercial enterprise, and the potential impact this would have on the future occupiers of the dwellings. Environmental Health have not raised any concerns in relation to this aspect, therefore, it is considered that subject to the inclusion of an appropriately worded condition in relation to the noise impacts, it is considered that this could be overcome.

5.6 Access, Parking and Highway Safety

5.6.1 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.

5.6.2 It is noted that access is a matter reserved for future consideration. However, the proposed access to the dwellings would utilise the existing access to the north eastern corner of the site and it is considered that the existing access would be adequate to serve the proposed development. Although layout is a reserved matter and the number of parking spaces required cannot be confirmed as the size and number of the dwellings is unknown, it is considered that the site would be of ample size to enable adequate parking to be provided.

5.7 Private Amenity Space and Landscaping

5.7.1 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.

5.7.2 Although layout is a reserved matter and the amount of amenity space required cannot be confirmed as the size of the dwellings is unknown, it is considered that the site would be of ample size to enable adequate amenity space to be provided.

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

- 5.8.1 The application site falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.
- 5.8.2 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England (NE) would not provide bespoke advice. However, NE’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.
- 5.8.3 To accord with NE’s requirements, a Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

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

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

Does the planning application fall within the following development types? **Yes - The planning application relates to up to three dwellings**

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

Test 2 – the integrity test

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

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

- 5.8.4 As a competent authority, the LPA concludes that the project will, without mitigation, have a LSE on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE’s advice, it is considered that mitigation, in the form of a financial contribution of £125.58 per dwelling is necessary. Given that a signed S106 Agreement has not been submitted to support the application the mitigation is not secured.

- 5.8.5 Based on the lack of secured mitigation through RAMS the proposal would be contrary to policies S1, D1, N1 and N2 of the LDP and Government advice contained in the NPPF.

5.9 Planning Balance and Sustainability

- 5.9.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.
- 5.9.2 Notwithstanding, and as noted at 5.1.7 above, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and case law (noted in preceding paragraphs), confirms that other policies in the plan are still relevant for decision making purposes where they are applicable to the proposal under consideration.
- 5.9.3 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall (with reasons), against the harm identified (if any) arising from the proposed development.
- 5.9.4 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Equally, there is no guarantee that the construction would be undertaken by local businesses, with locally sourced materials. Limited details are provided within the application to this effect. Furthermore, the proposed development would result in the loss of an existing employment generating use and as discussed above it is not considered that an acceptable level of evidence has been provided to argue that the loss of the employment land is acceptable. Any economic benefits would therefore be considered negative.
- 5.9.5 In social terms the development should assist in supporting a strong, vibrant and healthy community. The site is considered to be located in an area where there is access to facilities and is not remote from day to day services without the unavoidable need for the use of a private car. The site currently has a lawful commercial use; this also contributes to the community through the provision of employment opportunities, and as stated within section 5.3 of this report, it is not considered that the loss of employment has sufficiently been justified. As the application is outline in nature, the number of bedrooms within each dwelling is unknown, therefore, it is considered that should the application be approved a condition could be imposed to ensure that three smaller dwellings are provided, this would provide some weight in favour of the proposed development in social terms. Notwithstanding this, it is worth noting that due to the limited number of dwellings proposed the social benefits are considered to be of a minimum.
- 5.9.6 In environmental terms the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars

for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. However, this would need to be balanced against the impact of the development on the surrounding area and any environmental impact that may be caused. As stated within section 5.4 of this report, it is considered that the provision of up to three dwellings in this location would go against the existing grain of development in this location and would have a detrimental impact on the character and appearance of the surrounding area. Therefore, taking both into consideration it is not considered that the proposed development is acceptable in environmental terms.

- 5.9.7 Having regard to the poor sustainability credentials of the site and the fact that there are limited public benefits to the scheme, i.e. the proposal would be for market housing and not affordable, it cannot be determined whether the dwelling would make a positive contribution in terms of housing mix and the proposal is contrary to Policies S1, S8, D1 and H4 of the LDP, it is not considered that there are benefits that outweigh the harm on the character and appearance of the area.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
91/00293/FUL	Closure of existing vehicular access and formation of new access.	Approved
09/00532/FUL	Change of use from Milk Depot to employment and light industrial (B1). Extensions and alterations to existing building. .	Approved
13/00292/HOUSE	Erection of a timber framed single storey garage	Approved
14/00554/COUPA	Conversion of office to residential units	Refused
15/01200/FUL	Replace existing B1 industrial building with proposed children's day nursery and one dwelling.	Refused Appeal Dismissed
16/00743/FUL	One dwelling	Refused Appeal Dismissed
16/01231/FUL	Extension to office building to form an attached live/work unit	Refused Appeal Dismissed
17/01272/FUL	Extension to office building to form an attached live/work unit	Refused Appeal Dismissed
19/01233/FUL	Extension to office building to form an attached live/work unit.	Refused
20/00987/LDE	Claim for lawful development certificate for the existing use of building for B1(a) office purposes in breach of condition 3 imposed upon planning permission FUL/MAL/09/00532/FUL	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council.	No response at the time of writing this report	N/A

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to the inclusion of 4 conditions should the application be approved	Comments noted

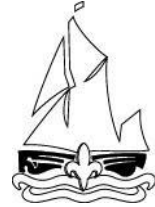
7.3 External Consultees

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

8. REASONS FOR REFUSAL

1. The proposed development, by reason of its location and position would substantially alter the character of the area and have an unacceptable visual impact on the countryside through the urbanisation and domestication of the site, against the existing grain of development in the surrounding area. As such the proposal is contrary to the National Planning Policy Framework's "presumption of sustainable development". The poor sustainability credentials of the site and its locality would significantly and demonstrably outweigh the benefits of the proposal when assessed against the compliant policies of the Maldon District Local Development Plan (2017) including policies S1, S8, D1 and H4 and Government advice contained within the National Planning Policy Framework (2012).
2. The proposed development would result in the loss of an employment use and it has not been demonstrated to the satisfaction of the LPA that there is no demand for an employment use at this site. The development would therefore be unacceptable and does not constitute sustainable development and is contrary to policies S1, S8 and E1 of the LDP and guidance contained within the NPPF.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy or an appropriate mitigation strategy to overcome the impacts of the development on the European designated nature conservation sites, the

development would have an adverse impact on those European designated nature conservation sites, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the NPPF.



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

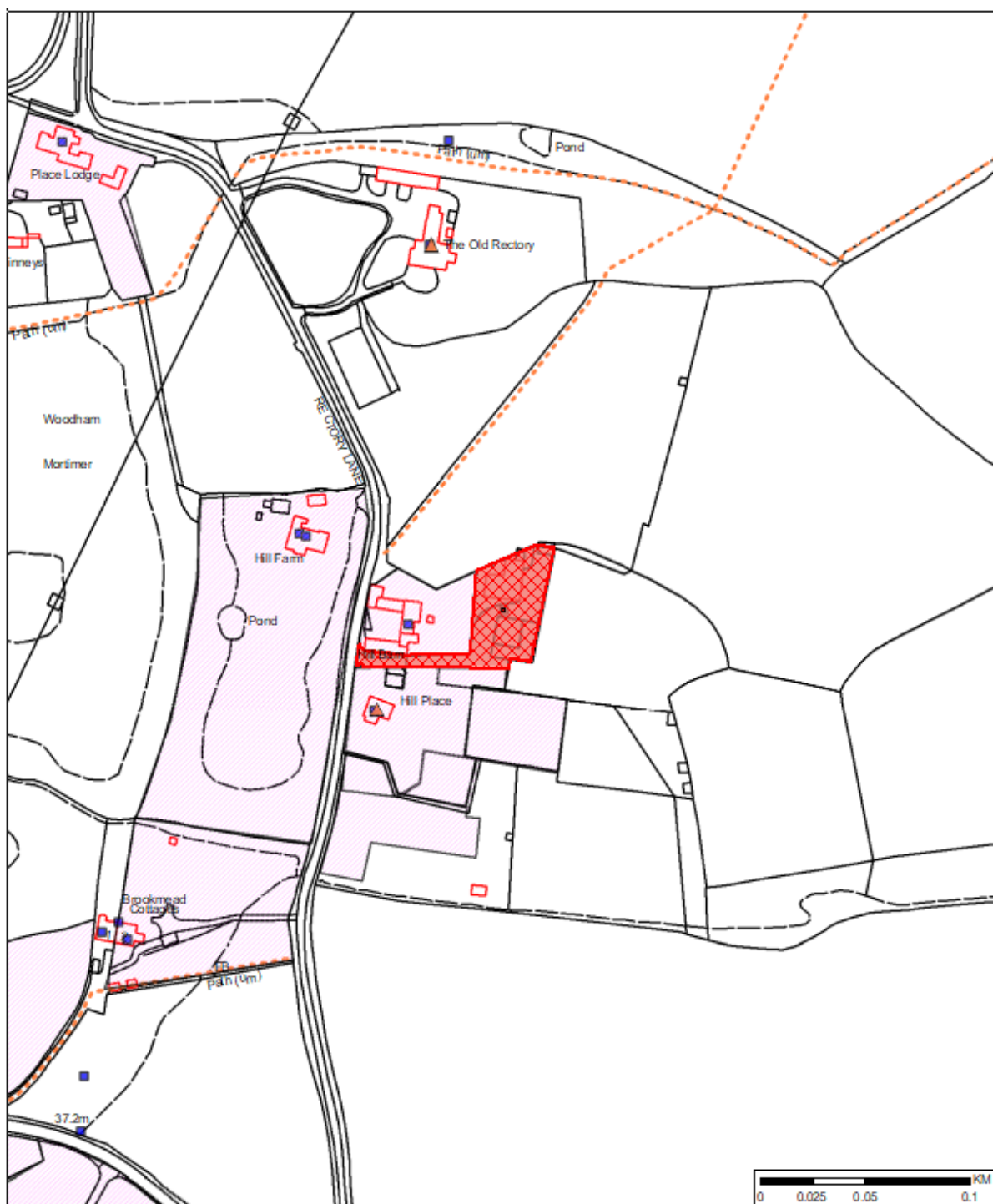
Application Number	20/01021/FUL
Location	Land Rear Of Hill Barn Rectory Lane, Woodham Mortimer
Proposal	Proposed conversion of existing equestrian/storage buildings to form offices (Use Class E(g) formally B1) alongside access, parking, landscaping and other associated development.
Applicant	Mr Mervyn Clark
Agent	Mr Lindsay Trevillian - Phase 2 Planning Ltd
Target Decision Date	03.12.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In from Councillor M F L Durham, CC - Reason: This is an employment opportunity which complies with elements of the Local Development Plan (LDP). Departure from Local Plan


1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	26/11/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site forms a parcel of land measuring 0.2 Ha; it is currently occupied by an agricultural barn, which is used for equestrian purposes and agricultural storage. The site lies in a rural area outside of the defined settlement boundaries of the district. Open fields lie to the north and east of the site and the residential properties 'Hill Barn' and 'Hill Place' lie to the south-west of the site.
- 3.1.2 Planning permission is sought for the conversion of the building from an agricultural/equestrian barn to a form Class E(g) offices with associated access, parking, landscaping and other associated development.
- 3.1.3 The scale of the building in terms of width, height and depth would not be altered as a result of the proposal. The proposed physical changes to the building include the removal of the existing corrugated metal sheeting and replacement with plain tiles and new and upgraded window and door openings are proposed in the north, south and eastern elevations. Minor internal alterations would be undertaken to provide a reception area, three open plan office areas and three WCs and kitchens.
- 3.1.4 There is an existing access to the site from Rectory Lane which would be retained and utilised by the proposed offices and a formal parking area to the south of the building is proposed.
- 3.1.5 A recent application for the *'Proposed conversion of existing equestrian/storage building to form 1 No. new dwelling including the addition of a first floor, front extension, replacement single storey side extension, demolition of the existing open bay lean-to, changes to the fenestration and associated works'* was refused in April 2019 and the appeal was dismissed in April 2020. Given that the proposed works and policy position are significantly different in the assessment of an office use compared to a C3 use it is considered that the previous application has little relevance in the determination of this application.

3.2 Conclusion

- 3.2.1 Having taken all material planning considerations into account, it is not considered that the development would be acceptable in principle. The proposal fails to meet all the criteria contained within policy E4 of the Local Development Plan (LDP), given that inadequate information to support the justifiable and functional need for the proposal has been submitted. The harmful visual impact resulting from the urbanisation of the existing rural site and countryside has not been adequately justified and would not be off-set by the benefits in this instance. Therefore, it is considered that the development is contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan (MDLDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 184 – 202 Conserving and enhancing the historic environment
- 117 – 123 Making effective use of land
- 80 – 84 Building a strong, competitive economy

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- 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 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 building is existing and is currently used for equestrian and agricultural purposes. The National Planning Policy Framework (NPPF) encourages Local Planning Authorities (LPAs) to promote a strong rural economy through, among others, the diversification of agricultural businesses. Furthermore, the NPPF urges LPAs to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.1.3 The application site lies outside of any defined development boundary where policies of restraint apply. Policy S8 states 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 it is for one of the thirteen specified developments listed within that policy, it is considered that the proposal falls within the following: ‘b) *Employment generating proposals (in accordance with Policy E1).*’

5.1.4 Policy E1 of the approved LDP states that:

“The Council will support and encourage the development of better quality and flexible local employment space to meet the employment target, including live work accommodation in both urban and rural areas (in accordance with other policies in this Plan). All new employment space should seek to meet the needs of local businesses and attract inward investment. [...] Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations.”

5.1.5 As stated within the preamble of policy E4 of the approved LDP, the Council recognises that the District’s economic functions are not only based on formally allocated employment sites but also through employment activities that occur on farm conversions and similar rural sites which provide relatively lower cost accommodation and encourage local entrepreneurial activity. Policy E4 sets six criteria for conversions and states:

“The Council will support the change of use of existing rural buildings to other employment generation uses if it can be demonstrated that:

- a) There is a justifiable and functional need for the proposal;*
- b) It will contribute to the viability of the agricultural business as a whole;*
- c) Any development respects the building’s historic or architectural significance;*
- d) Any development will not negatively impact upon wildlife and the natural environment;*
- e) No storage of raw materials or finished goods is to take place outside the building if it would be detrimental to the visual amenity of the area; and*
- f) The use of the building would not lead to dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.”*

5.1.6 With regard to criterion (a), it has not been demonstrated that there is a justifiable and functional need for the proposal. No details of the business or businesses which will operate out of the units has been provided.

5.1.7 Criterion (b) cannot be met as there does not appear to be an agricultural business that the use will contribute to.

5.1.8 In relation to criterion (c), the building is of limited historic or architectural significance. In any case the proposed alterations are limited. As such this criterion is met. Further consideration about the external alterations to the building and their impact upon the character and appearance of the area and the setting of the listed

building within the vicinity of the site will be given in the following sections of this report.

- 5.1.9 Criterion (d) refers to the impact upon the natural environment and wildlife. A Preliminary Ecological Appraisal Incorporating Bat Survey Inspection has been submitted with the application, recommendations have been made within the report and should the application be approved a condition ensuring the development was carried out in accordance with the recommendations would be implemented. Further consideration about the impact of the development upon the natural environment and the local wildlife will be given in the following sections of this report.
- 5.1.10 Criterion (e) refers to a matter that could potentially be controlled with a condition if planning permission is granted.
- 5.1.11 Criterion (f) is considered to be met as the scale of the business that can be accommodated in this building is highly unlikely to lead to detrimental dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.
- 5.1.12 Having regard to the above analysis, the development would not meet all of the criteria of policy E4 of the LDP; thus, the principle of the development of the existing agricultural / equestrian building for an E(g) use would not be acceptable in this instance. The justifiable and functional need for the E(g) unit has not been demonstrated and therefore the loss of the agricultural and equestrian use and inherent urbanisation of the site, resulting from the change of use would not be off-set in this instance.
- 5.1.13 Other material planning considerations including the impact of the development on the rural site, are discussed in the following sections of this report.

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 (2017).
- 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 Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations. In addition, policy E4 of the LDP, refers to the impact of the development upon the character of the building, the natural environment and the visual amenity of the area.
- 5.2.7 The application site is located within a rural area, set back from Rectory Lane by 55m behind a residential dwelling. To the south-west of the site is a further residential dwelling and open countryside lies to the north, east and west of the site.
- 5.2.8 The external appearance of the existing building is that of an agricultural barn and the use as a stable / storage building respects the rural nature of the area.
- 5.2.9 The existing corrugated iron roof of the barn would be replaced with plan tiles and the black waterboarded walls retained. The existing openings on the eastern elevation would be infilled with glazed windows and a doorway, there are three existing windows on the southern elevation which would be replaced with a glazed doorway and two larger window openings. The northern elevation would remain blank and the western elevation would be altered with an enlarged window opening and a doorway. The scale and form of the building would not be altered.
- 5.2.10 The alterations to the existing building, namely the proposed openings and the change of use to an office would alter the rural character of the site and result in the urbanisation of the site, to the detriment of the rural area. A parking court would be

adjacent to the southern elevation of the building, the existing access track and proposed parking area would be formalised with an expanse of hardstanding which would contribute to the visual harm of the proposal.

- 5.2.11 Views of the application site are not readily available from Rectory Lane, given its siting to the rear of an existing dwelling. It is noted that there is a public footpath around 40m in a north-west direction from the northern boundary of the site; the submitted block plan shows a new tree screen proposed to the north and western boundaries of the site which would further screen the site. However, this is not considered to outweigh the identified harm.
- 5.2.12 Hill Place is a grade II listed building sited to the south west of the site, in excess of 65m from the subject building. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Council's Conservation Officer has advised that due to the distance and established vegetation which separates the two sites, the proposal will cause no harm to the significance of the heritage asset.
- 5.2.13 Given the above assessment it is considered that the proposal would have a detrimental visual impact upon the rural appearance of the site and the intrinsic character of the countryside. The visual impact is not considered to have been off-set or justified by the benefits of supporting a functional need. Therefore, the proposal is contrary to policy D1 and E4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site has two neighbouring properties; Hill Barn, Rectory Lane to the west and Hill Place, Rectory Lane to the south-west.
- 5.3.3 The proposed development would be 4.7m from the boundary with Hill Barn and approximately 32m from the neighbouring dwelling on this site. As the scale of the building is not changing, it is not considered that the proposed development would have an overbearing impact or result in a loss of light to this neighbouring dwelling. The western elevation of the building faces the rear boundary of the neighbouring site, the proposal would result in an enlarged window opening and a doorway within this elevation. However, the window and door are at ground floor level and the existing boundary fence and vegetation screen any views into the rear garden of this property.
- 5.3.4 The proposed development would be 32m from the boundary with Hill Place and approximately 67m from the neighbouring dwelling on this site. Due to this distance, it is not considered that the proposed development would impact upon this neighbouring property by way of loss of light or loss of privacy.

- 5.3.5 Concerns have been raised by a neighbouring occupier in relation to the detrimental impact of the proposed office use. The definition of an E(g) business is *'Uses which can be carried out in a residential area without detriment to its amenity.'* Therefore, as long as the building is used for a E(g) purpose as proposed, it is not considered that noise or odour would be produced to an extent that would be detrimental to the residential accommodation which is in excess of 30m from the site.
- 5.3.6 Further, the opening hours of the units will be conditioned, which will prevent traffic at inappropriate hours and given the distance from all other properties and that the building is existing, no further concerns are raised in terms of impact on the residential amenity of the area.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The application proposes 258sq m of office space. The VPS recommend 1 space per 20sq m of office space which results in a requirement of thirteen car parking spaces (rounded up). The area to the front of the building is large enough to comfortably accommodate 13 car parking spaces in line with the recommended bay size of 2.9m by 5.5. Whilst it is noted that the submitted block plan shows only nine car parking spaces, a condition should be imposed to ensure the parking provision serving the site is in line with the adopted VPS.
- 5.4.3 It is noted concerns have been raised by a local resident in relation to highway safety and the access to the site. The Essex County Council (ECC) Highways Authority (HA) has been consulted and raised no concerns to the proposal in this respect.

5.5 Ecology

- 5.5.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
- 5.5.2 Policy N2 of the LDP states that:
- “All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”
- 5.5.3 A Bat Survey has been submitted as part of the application. It concluded that there was no evidence of their presence at this site. The Ecology consultant has been consulted as is satisfied with the information submitted.

6. ANY RELEVANT SITE HISTORY

- **19/00121/FUL** – Proposed conversion of existing equestrian/storage building to form 1No. new dwelling including the addition of a first floor, front extension, replacement single storey side extension, demolition of the existing open bay lean-to, changes to the fenestration and associated works – Refused and Appeal Dismissed.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer	We raise no objection but wish to make the following comments: Although the change of use could be beneficial for local employment the Council raises concern in respect to the increase in vehicles using Rectory Lane. The proposal is also likely to have an intrusive impact on immediate adjacent properties	Noted and discussed within report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology	No objection, recommended informatives.	Noted.
ECC Highways Authority	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection.	Discussed in section 5.2 of this report.
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 Two letters have been received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Harm to the character and appearance of the countryside.	Discussed in section 5.2 of this report.
Detrimental impact to the quiet amenity which the occupants of nearby residential dwellings.	Discussed in section 5.3 of this report.
Highway safety, vehicular movement and access concerns.	Discussed in section 5.4 of this report.
Contrary to the LDP.	Discussed in section 5.1 of this report.
Unsustainable location.	Noted.
References to recently dismissed appeal for residential development at the site.	Noted.
Site has not been used for commercial storage.	Noted.
Surface and foul drainage concerns.	This could be dealt with via a condition.
List of desirable conditions.	Noted.
Speculation on the intentions of the applicants.	This is not a material planning consideration.
Conversion of building to offices within a conservation area would set a precedent and open the floodgates to many more similar applications.	The application site is not within a conservation area. In respect of setting a precedent every application is assessed on its own merits.

- 7.4.2 In response to the above representations the Applicant has provided additional comments in correspondence received on the 30 November 2020. The additional information is not considered to raise additional material planning considerations or outweigh the harm identified in this report.

8. REASONS FOR REFUSAL

- 1 The proposed development would result in a harmful visual impact due to the urbanisation of the site resulting from the proposed change of use and physical alterations to the existing building. The identified harm has not been adequately justified and would not be off-set by the benefits of the scheme. The proposal is therefore contrary to policies S1, S8, E4 and D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.
- 2 The site is located in a rural area where development should only be supported in specific circumstances. Insufficient information has been provided to demonstrate that there is either a justifiable and functionable need or that the proposal would support the viability of an existing agricultural businesses contrary to policies S1, S8 and E4 of the D1 of the Maldon District Local Development Plan and the National Planning Policy Framework.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

Application Number	20/01083/HOUSE
Location	Fir Trees, Maldon Road, Tiptree
Proposal	Rear two storey extension
Applicant	Mr A McCheyne
Agent	Paula Robertson – Plater Claiborne Architects
Target Decision Date	18.12.2020
Case Officer	Hayleigh Parker-Haines
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member call in from Councillor R H Siddall Reason: S1, H7, S8 and D1

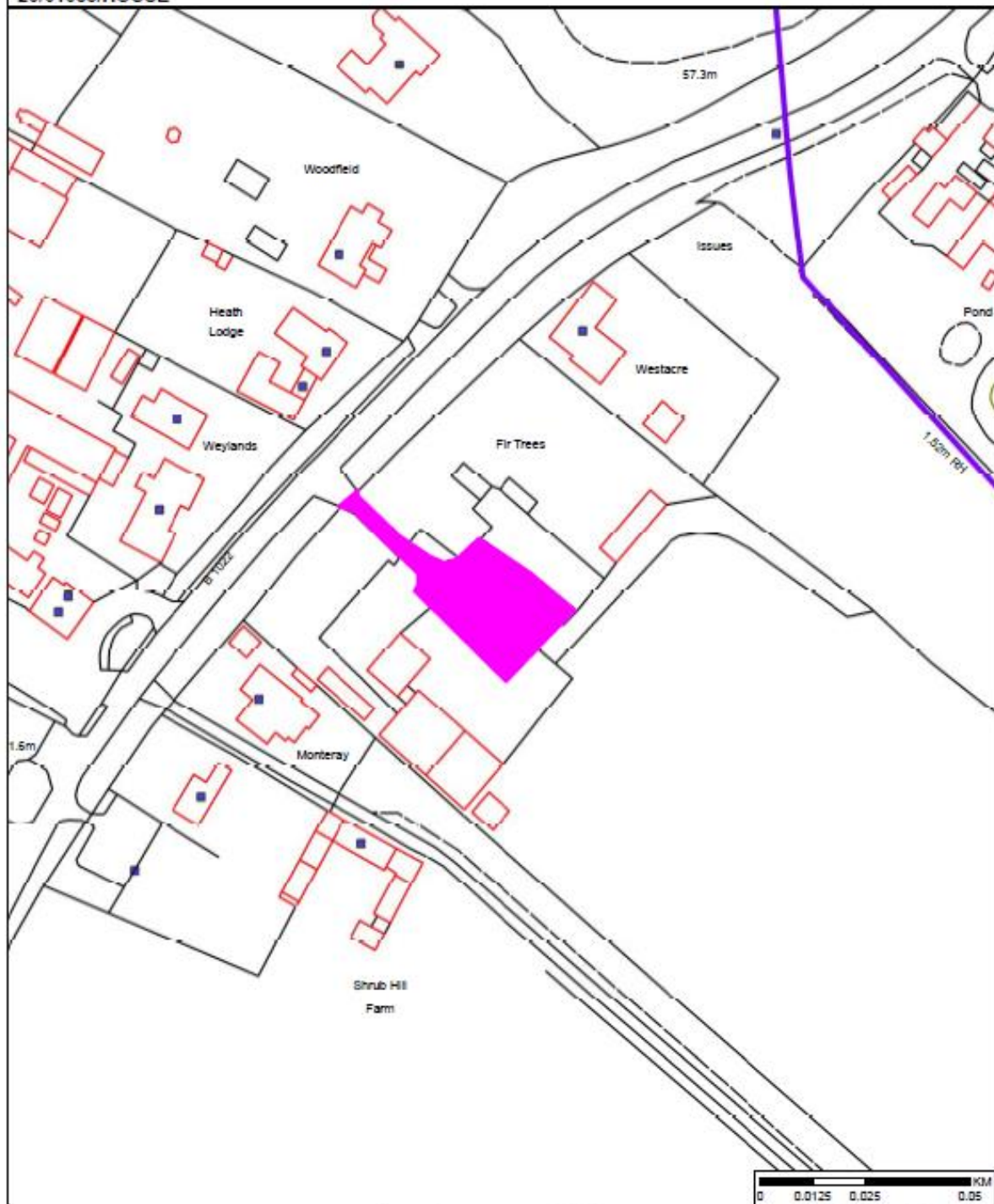
1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Fir Trees, Maldon Road, Tiptree
20/01083/HOUSE



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council: 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Area Planning Committee
	Date:	26/11/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the southern side of Maldon Road and does not fall within any defined settlement boundary. The site is occupied by a two storey detached dwelling. Land to the east, south and west of the site is also within the applicant's ownership and is occupied by barns and open fields.
- 3.1.2 Planning permission is sought for the construction of a two storey rear extension. The proposed extension would have a maximum height of 8.2 metres with an eaves height of 5 metres, a width of 7.8 metres and depth of 5 metres. This would accommodate a kitchen and dining area at ground floor and extended bedrooms at first floor. The development would include the addition of a first floor window to the western side elevation of the proposed extension, a ground floor window to both the eastern and western side elevations, a juliet balcony and first floor window to the rear elevation and glazed doors at ground floor level to the rear elevation. The proposed extension would be constructed of materials to match the host dwelling.
- 3.1.3 Planning permission is also sought for the addition of a first floor window to the eastern and western side elevations of the existing dwelling.
- 3.1.4 It is noted that the property is subject to a condition (84/00488/MAL) that the occupants of the dwelling are agricultural workers.
- 3.1.5 This application is a resubmission of the previously refused application 20/00522/HOUSE, which was refused for the following reason:
- 'It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).'*
- 3.1.6 The proposed extension and proposed works remain unaltered as part of this application. However, additional supporting information has been provided to demonstrate that the extension is commensurate with the needs of the agricultural enterprise.

3.2 Conclusion

- 3.2.1 It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) (MDLDP) and Government advice contained within the National Planning Policy Framework (2019) (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 77-79 Rural Housing
- 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
- H4 Effective Use of Land
- H7 Agricultural and Essential Workers' Accommodation
- 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 occupation of the existing dwelling is restricted, by way of a condition attached to planning permission reference 84/00488/MAL, to the following:

3. The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed, or last employed, locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act, 1971, or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).

- 5.1.2 Planning permission for this new dwelling in the rural area would have, exceptionally, been granted on the basis that there was a need for a farm worker to live on site to meet the needs of the farm holding.
- 5.1.3 It is acknowledged that the countryside can only accommodate certain limited forms of development without detriment to the intrinsic beauty and character of the area and it is generally accepted that development in the open countryside, away from existing settlements, should be strictly controlled. However, it is also accepted that at times the specific needs of a farming enterprise may make it essential to live at or very close to the enterprise. Notwithstanding this, it is an accepted point that each case will

depend on the needs of the farm enterprise concerned and should not be based on the personal preferences or circumstances of any of the individuals involved. This involves the need to ensure that the dwelling is of a size and scale that proportionate to the need of the enterprise rather than meeting an aspirational want or need of the Applicant.

5.1.4 The current application seeks planning permission for an enlargement of this agricultural workers dwelling. Policy H7 of the MDLDP recognises that accommodation in the countryside is necessary to sustain the effective operation of a viable rural business. Policy H7 goes on to state that “Permanent or temporary accommodation in the countryside related to and located in the immediate vicinity of a rural enterprise, will only be permitted where:

- 1) Evidence has been submitted to the satisfaction of the Council that there is an existing agricultural, forestry, fishery or other commercial equine business-related functional need for a full-time worker in that location;
- 2) There are no suitable alternative dwellings available, or which could be made available in the area to serve the identified functional need;
- 3) It can be demonstrated that the enterprise is, or will be in the case of new businesses, a viable business with secure future prospects;
- 4) The size and nature of the proposed structure is commensurate with the needs of the enterprise concerned; and
- 5) The development is not intrusive to the countryside, is designed to minimise adverse impact upon the character and appearance of the area and is acceptable when considered against other planning requirements.”

5.1.5 Whilst not all criteria of this Policy are relevant to the assessment of an extension to an agricultural worker’s dwelling, criteria 4 and 5 are. In relation to criterion 4, as part of the agricultural supporting statement submitted, it is stated that the extension is required to allow the reconfiguration of the dwelling, to allow for the son of the occupant and his family to move into the property. This is considered necessary to ensure the future of the small holding in a number of ways, as stated below:

- Diversifying and regenerating the small holding:
 - Repairing outbuildings on site
 - Improving fruit trees
 - Converting field into grassland for hay production and increased livestock – reintroduction of pigs
- Living on site is essential to manage livestock and their welfare more effectively:
 - Major part of income – looking to maximise this
- Increase security on site.

5.1.6 It is understood that the applicant maintains the animals, field and small holding but this is not sufficient to demonstrate that the occupation of the extended dwelling would comply with the occupancy condition associated with the dwelling. Whilst, it is acknowledged that the extension is to allow for the refurbishment of the dwelling to make it more comfortable and accommodating for family living, it is not considered that the additional information provided shows a functional need for the extension in relation to the agricultural enterprise. The need for the extension is due to the personal circumstances of the applicant and the current occupier and not related to the

needs of the farm enterprise. The level of accommodation is considered to go beyond what would be reasonably expected to meet the day to day needs of the occupiers of the dwelling. Limited information has been provided to evidence the need for the extension in relation to the running of the farm. Therefore, it is not considered that the proposal would comply with criterion 4 of Policy H7. The impact on the countryside (criterion 5) will be discussed in section 5.2 of this report.

- 5.1.7 Based on the above, it is not considered that the development is acceptable in principle and is recommended for refusal on this basis below. The personal circumstances of the applicant and current occupier is a material consideration, but it is considered that the information provided does not justify planning permission being granted for a permanent, substantial enlargement of the existing, agricultural worker's dwelling.

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 Local Development Plan (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*

- 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 proposed development would be located to the rear of the dwellinghouse and would not be highly visible within the surrounding area. Therefore, the development would have a limited impact on the character and appearance of the streetscene. The proposed extension would have a maximum height 0.2 metres lower than the ridge height of the host dwelling, would be inset from the side elevations of the host property by 0.2 metres and would occupy a footprint of 39m². Whilst, the extension would not be a wholly subservient addition to the dwelling, it is considered that the scale of the proposed extension would not result in an overly dominant form of development. Furthermore, due to the spacious nature of the application site, it is not considered that the extended dwelling would appear cramped or the site overdeveloped.
- 5.2.6 The proposed extension would draw on visual cues from the host dwelling, with a roof form to match the dwelling and is therefore not considered to result in an incongruous addition at the application site especially as the proposed extension would be constructed of materials to match the host dwelling. It is noted that the juliet balcony and first floor window on the rear elevation are set close to the eaves which does result in these elements appearing cramped. However, as they would be to the rear elevation, it is not considered that this alone would justify the refusal of the application.
- 5.2.7 The proposed additional first floor windows to the eastern and western side elevations of the existing dwelling are considered to be minor works that would not have a detrimental impact on the character and appearance of the site and surrounding area.
- 5.2.8 Therefore, it is considered that the extension, by reasons of its position, scale, design and appearance would not result in demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1, H4 and H7 of the LDP.

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 minimise 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 closest neighbouring property to the application site is Monteray which is located over 40 metres to the west of the site. Westacre is located 50 metres to the north west of the site and Heath Lodge is over 50 metres to the north of the site. Due to these substantial separation distances, it is not considered that the proposed extension would represent an unneighbourly form of development in relation to any of the neighbouring properties and is therefore in accordance with policy D1 of the LDP.

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 proposed development would not alter the current parking provision provided on site or the number of bedrooms within the property. Furthermore, the application site benefits from a large driveway that could accommodate parking provision in excess of three vehicles which would comply with the adopted parking standard. Therefore, there are no concerns in relation to 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 proposed development would result in the loss of 39m² of private amenity space. However, the site benefits from a spacious garden that would remain in excess of the minimum of 100m² as required by the standards. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
78/00173/MAL	Access	Approved
79/01151/MAL	Greenhouses	Approved
83/00776/MAL	Residential Caravan	Approved
83/00776/1/MAL	Residential Caravan	Approved
84/00488/MAL	House	Approved
84/00488/1/MAL	House	Approved
91/00318/FULF	Erection of livestock building	Approved
20/00522/HOUSE	Rear two storey extension	Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Braxted Parish Council.	No response at the time of writing this report	N/A

8. REASON FOR REFUSAL

- 1 It has not been demonstrated that the size of the enlarged dwelling is commensurate with the needs of the agricultural enterprise and, therefore, the development would be unacceptable and contrary to policies S8 and H7 of the Maldon District Local Development Plan (2017) and Government advice contained within the National Planning Policy Framework (2019).

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