

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

23 November 2021

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 1 DECEMBER 2021** at **7.30 pm**

in the **Council Chamber, Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

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, CC
K W Jarvis
C P Morley
R H Siddall
E L Stephens
Miss S White





AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE
WEDNESDAY 1 DECEMBER 2021

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 12)

To confirm the Minutes of the meeting of the Committee held on 3 November 2021 (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. **21/00936/FUL - Land Rear Of Hill Barn, Rectory Lane, Woodham Mortimer**
(Pages 13 - 32)

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

6. **21/01063/HOUSE - Lavena, 38 Woodrolfe Road, Tollesbury, CM9 8SD** (Pages 33 - 40)

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

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

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 Nos 5 - 6.
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](#) no later than noon on the working day before the Committee meeting.
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**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.

Fire

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Televisions (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

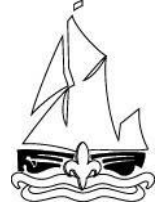
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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.

This page is intentionally left blank



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
3 NOVEMBER 2021**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, C P Morley, R H Siddall, E L Stephens and Miss S White

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor K W Jarvis.

3. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 6 October 2021 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor J V Keyes declared a non-pecuniary interest in Agenda item 6, 21/00901/FUL - Walden Cottage, 58 Walden House Road, Great Totham, CM9 8PN and also declared a pecuniary interest in Agenda item 7, 21/00987/OUT - Land Adjacent 24 Catchpole Lane, Great Totham. He advised the Committee he would leave the Chamber for this item of business.

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

5. 21/00797/FUL - IVY HOUSE, HACKMANS LANE, PURLEIGH, CM3 6RJ

Application Number	21/00797/FUL
Location	Ivy House, Hackmans Lane, Purleigh, CM3 6RJ
Proposal	Demolition of the existing dwelling and erection of a two storey dwelling with attached gym and garage

Applicant	Mr Omar Ashamari
Agent	Miss Nicole Bushell - Arcady Architects
Target Decision Date	12.10.2021 EOT 05.11.2021
Case Officer	Hannah Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In by Councillor S White Reason: Sustainability

Following the Officer's presentation, the Chairman opened the debate.

Councillor S White having called in the application said that this was due to concerns raised by the Parish Council regarding sewage and flooding. She acknowledged that these issues had now been addressed under the conditions as detailed in Section 8 of the report and proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor J V Keyes.

There being no further discussion the Chairman put Councillor White's proposal to approve the application to the Committee and upon a vote being taken the application was unanimously approved.

RESOLVED that the application be **APPROVED** 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.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 21/23/01, 21/23/02, 21/23/03, 21/23/04, 21/23/05 and 21/23/07.
- 3 Prior to their use in the development hereby approved, details 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 and retained as such thereafter.
- 4 Within 3 months following the first occupation or connection to utility services, whichever is the sooner, of the dwelling hereby approved, the existing dwelling on the site shall be demolished and the resulting material removed from the site.
- 5 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

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

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 6 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 7 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size and proposed numbers/densities, where appropriate and an implementation programme.
- 8 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to the first occupation of the development to which it relates and be retained as such thereafter.
- 9 Prior to any works above ground level a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

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

- 10 Prior to the occupation of the dwelling hereby approved a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6. 21/00901/FUL - WALDEN COTTAGE, 58 WALDEN HOUSE ROAD, GREAT TOTHAM, CM9 8PN

Application Number	21/00901/FUL
Location	Walden Cottage 58 Walden House Road Great Totham CM9 8PN
Proposal	Replacement dwelling with detached garage and extension to garden land.
Applicant	Mankelow - Bradley David Developments
Agent	Mr Fred McKennon - CITIGROUP
Target Decision Date	11.11.2021
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor J V Keyes Reason: Sustainability and policies S1, H4 and D1

A Members' Update had been circulated prior to the meeting that stated Great Totham Parish Council objected to the application. It also stated that the design, scale and setting were inappropriate and would be out of character with the nearby buildings.

Following the Officer's presentation, the Agent, Fred McKennon, addressed the Committee. The chairman then opened the debate and a discussion ensued. Councillor White proposed that the application be approved contrary to the Officer's recommendation. This proposal was duly seconded.

Members continued to debate the merits/de-merits of the application. Councillor Durham commented that the application was not in keeping or sympathetic with the local area and that the proposed design was incongruous. Councillor Siddall and Councillor Morley concurred with this view.

In response to issues raised the Lead Specialist Place confirmed that this application hadn't raised any issues in relation to renewable energies or sustainable development, therefore the point about a newer dwelling being more sustainable than the existing was a neutral material consideration. Furthermore, additional car parking facilities was also a neutral material consideration.

The Chairman then put the duly seconded proposal in the name of Councillor White to approve the application to the Committee and upon a vote being taken this was refused. She then put the Officer's recommendation to refuse the application for the reasons detailed in Section 8 of the report. Upon a vote being taken this was agreed.

RESOLVED that the application be **REFUSED** for the following reasons:

- 1 The proposed replacement dwelling, due to its design, appearance and scale is considered to form a dominant and bulky building, wholly out of keeping with the character of the area. Furthermore, the harm, as a result of the change of use of agricultural land to residential, would result in the unnecessary urbanisation of the open and undeveloped countryside, which currently positively contributes to the rural area in which it is set. The proposal would result in demonstrable visual harm to the site and surrounding area contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained in the National Planning Policy Framework.

Councillor J V Keyes left the meeting for this item of business and did not return.

7. 21/00987/OUT - LAND ADJACENT 24 CATCHPOLE LANE, GREAT TOTHAM

Application Number	21/00987/OUT
Location	Land Adjacent 24 Catchpole Lane, Great Totham
Proposal	One detached dwelling
Applicant	Mr A Marvin
Agent	Mr Peter Le Grys
Target Decision Date	17.11.2021
Case Officer	Sophie Mardon
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes - Policies D1, H4 and S1 of LDP

A Members' Update had been circulated prior to the meeting that detailed further representation received from Essex County Council Highways. The Officer added a verbal update clarifying that the associated fee for the unilateral undertaking had not been received which was a valid reason for refusal.

Following the Officer's presentation, the Agent, Peter Le Grys, addressed the Committee. Prior to opening the debate the Lead Specialist Place addressed issues raised by the agent as follows:

- That the unilateral undertaking had not been checked as the fee had not been received and that this stood as a reasonable reason for refusal.
- That the Planning Inspector had a significantly different opinion on this site. The previous appeal decision was a material consideration in this instance as the inspector had found the site to have intrinsic value.
- That the weight given to this development was minimal in relation to the Five-Year Housing Land Supply (5YHLS). The site provided a view of the open countryside and was important as it marked the end of the village.

A debate then ensued where Councillor Durham also referred to the Inspector's comments about the value of the site and confirmed that he agreed with the Officer's reasons for refusal. Councillor Siddall commented that he knew the area and confirmed it was prone to flooding. He said that if the proposed dwelling could be built in line with the streetscene it would be favourable but this was not possible due to the flood risk.

Councillor White proposed that the application be approved on the basis of a lack of a 5YHLS, with conditions delegated to Officers. This was not seconded. Councillor Durham then proposed that the application be refused as per the Officer's recommendation and this was duly seconded by Councillor Siddall.

The Chairman then put the Officer's recommendation to refuse the application to the Committee for the reasons detailed in Section 8 of the report and upon a vote being taken it was approved.

RESOLVED that the application be **REFUSED** for the following reasons:

- 1 The proposed development of this site for a new single dwelling would result in demonstrable harm to the open character and appearance of the area which, due to the urbanisation of the site, would detract from the intrinsic character and beauty of the countryside. The siting if the dwelling would not reflect the

pattern of development within the area and would exacerbate the harm to the character and appearance of the area. The harm identified above would significantly outweigh any benefits of a new dwelling house, given the limited contribution that a single dwelling would provide to the housing stock. Therefore, the development is considered to form an unjustified sprawl of built form on this currently undeveloped land, contrary to policies S8, D1 and H4 of the LDP.

- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the development makes no contribution for affordable housing to meet the identified need in the locality, the necessary financial contribution towards Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, the management and maintenance of the public open space and would fail to secure the provision of residential travel packs for sustainable modes of transport, required for the future occupiers of the site contrary to Policies S1, D1, H1 and I1 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

The meeting closed at 8.20 pm.

MRS M E THOMPSON
CHAIRMAN



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
1 DECEMBER 2021**

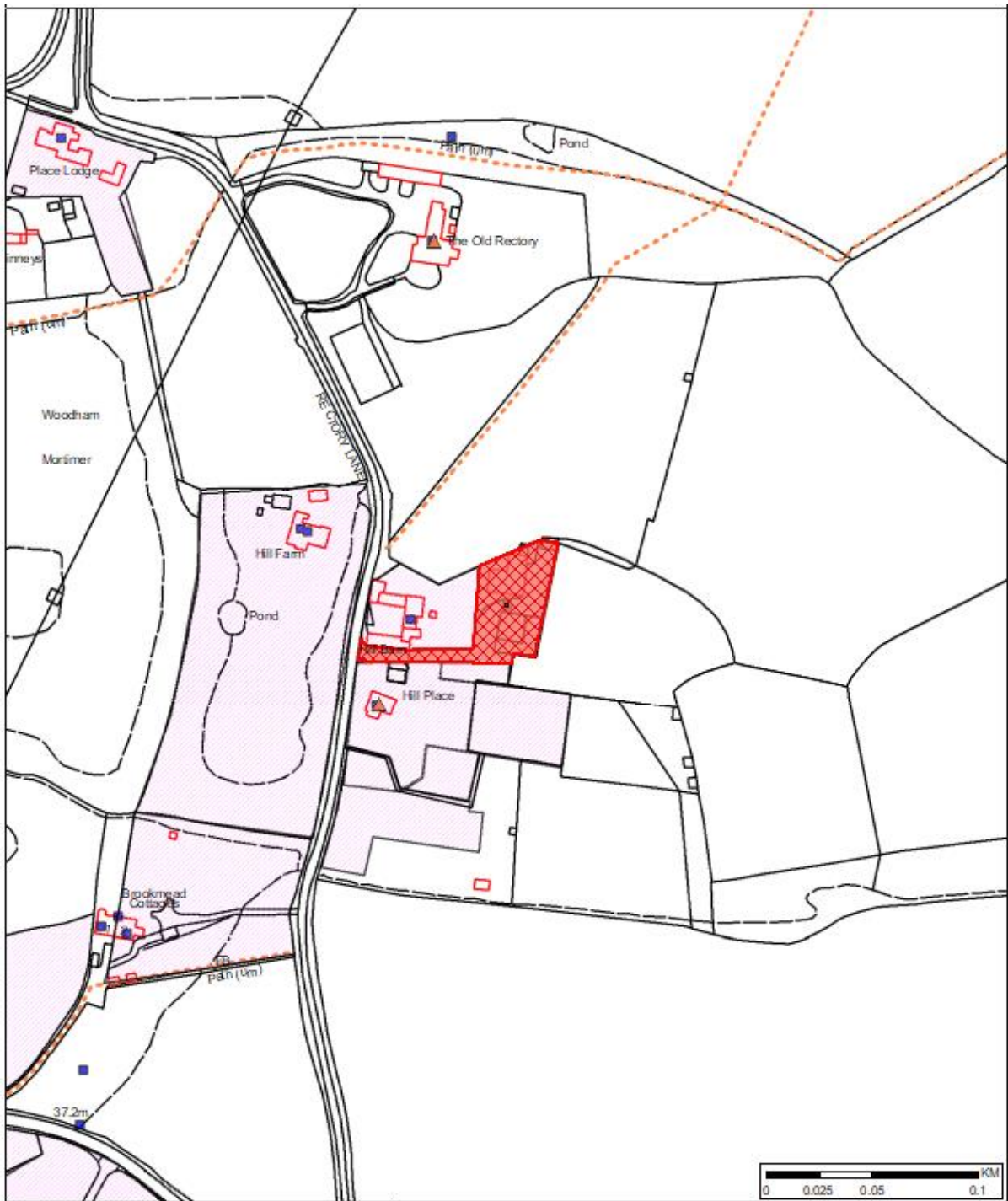
Application Number	21/00936/FUL
Location	Land Rear Of Hill Barn Rectory Lane Woodham Mortimer
Proposal	Proposed conversion of existing equestrian/storage barn building to form offices (Use Class E (g)) and associated development (Re-submission of planning application ref: 20/01021/FUL refused on the 15th January 2021)
Applicant	Mr Mervyn Clarke
Agent	Mr Matthew Wood - Phase 2 Planning
Target Decision Date	03.11.2021 EOT 03.12.2021
Case Officer	Hannah Bowles
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call In by Councillor K W Jarvis Reason: I have concerns about the impact on the countryside - increase in traffic. Possible negative impact on neighbouring properties. I feel it merits debate by members. Departure from Local Plan

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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 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', which is a grade II listed building 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 Class E(g) offices with associated access, parking, landscaping and other associated development. The resulting commercial floorspace would amount to 258sqm.
- 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 upgrading the roof with a material to match the existing, and new and upgraded window and door openings are proposed in the elevations of the existing building. The current covered area on the northern elevation would be infilled with walls. 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 outbuilding located within the north east corner of the site which is proposed to be altered to provide an open sided cycle parking area and an enclosed storage area. The proposed external alterations would result in the part of the wall of the front elevation being removed and the removal of a window.
- 3.1.5 There is an existing access to the site from Rectory Lane which would be retained and utilised by the proposed offices, a formal parking area to the south of the building is proposed and additional landscaping has been indicated on the proposed site plan.
- 3.1.6 An application for the *'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'* 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.
- 3.1.7 More recently and of more relevance an application, 20/01021/FUL, for the same proposal *'Proposed conversion of existing equestrian/storage buildings to form offices (Use Class E(g)) alongside access, parking, landscaping and other associated development'* was refused in January 2021. The reasons for the refusal of the application are as follows:
- 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 functional 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.'*

3.1.8 The application represents a re-submission of the previously refused scheme. In order to overcome the previous reasons for refusal this application differs from that previously refused as follows:

- This application has been supported by justification for the proposed use, which is contained within section 7 of the submitted Planning Statement (dated September 2021), further information was also submitted during the course of the application (dated 10th November 2021), this will be discussed in detail in a proceeding section of this report.
- The proposed site plan demonstrates additional landscaping within the site, around the existing building and parking area.
- The parking area would be surfaced in Grass-crete
- The upgraded roof material would match the existing, it was previously proposed to use plain tiles.
- The fenestration scheme has been slightly altered. Whilst the position of the windows are largely in line with the previously refused scheme the size of two windows along the front elevation of the building have been reduced, along with the window proposed on the rear elevation. One of the proposed openings on the western side elevation has been extended. The eastern side elevation has not been altered when compared to the previous scheme.
- The existing outbuilding in the north-east corner of the site would be altered and is proposed to be used as cycle parking area and storage associated with the use.

3.2 Conclusion

3.2.1 The proposed development is a resubmission of a previously refused scheme. The additional information which demonstrates a justifiable and functional need for the proposed development is considered to off-set the harm arising from the urbanisation of the site, considering the level of alterations are not considered to go beyond what is necessary for the site to function as an office unit and the minimal visual impact to the wider area.

3.2.2 The proposal would provide an 'employment generating' use in the area and could potentially support an existing and established business. The proposal would provide support to the rural economy in accordance with criterion 'e' of policy S8. There is sufficient space on site to provide car parking provision in line with the Council's recommended standard and the proposal is not considered to result in an adverse impact on the neighbouring occupiers. Therefore, it is considered that the proposed development is in compliance with policies S8, E1, E4, D1, D3 and T2 of the Local Development Plan (LDP) and the guidance contained within 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
- 8-10 Three objectives of sustainable development
- 11-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 174-188 Conserving and enhancing the historic environment
- 119-125 Making effective use of land

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) 2017
- 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 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), the following information (summarised) has been submitted to demonstrate there is a justifiable and functional need for the proposal:

- The applicant intends to move their existing and established business ‘Baker Clarke Accountants’ into the unit (at least in part).
- The business currently operates out of a unit based in Tolleshunt Major which *‘are too small and are over two floors which detracts from ease of working and thus the alternatives are to move from the area or subdivide the activities which is preferred. Our client needs more space to evolve this business and to maintain existing valued local staff, some of whom have children and cannot readily travel longer distances’*. In addition, the applicant has stated *‘they have found their current situation to be commercially unhelpful during the Covid-era and lacking flexibility in a number of commercial areas. The proposed development would provide our client with far greater flexibility and maintain local employment and the economy’*
- It is stated that the applicant has been looking at other properties in the Maldon Area for around 18 months and has found nothing as suitable as the subject barn. Local commercial agent Kemsleys can vouch for such inspection of at least two properties in Maldon that were recently on the market. In both cases, the economics and delays did not warrant proceeding further.
- It is stated that the proposed office gives the applicant and their business the greatest flexibility in terms of a viable base which ensures the future security and full control of it by the company in the longer-term.

- Baker Clarke Accountants have been established locally for over 11 years and it is stated that they would have to seriously consider a move outside of the district should this accommodation not be available.
- In addition, the applicant has stated that, in the unlikely event that the situation of Baker Clarke Accountants changes they have received positive interest in the proposed offices from a small number of other small local employers. These include a small business (2 staff) producing educational literature which would involve them moving their business from Chelmsford into the Maldon district and another business which deals with asset management with 3 staff, the final potential business is a firm of architects including one principle plus two assistants.

The above information demonstrates that there is an existing and established business intending to move into the building (should planning permission be granted) when their current lease expires in June 2022. In addition, there has been interest from three other businesses, which indicates the location would be viable for the proposed office use. The justifiable and functional need for the proposal is considered to have been adequately demonstrated in this instance. It should be noted that the criteria contained within policy E4 is not intended to restrict or provide an undue burden to the rural economy but to ensure that there is a real and functional need for such re-use of an existing building which is not speculative or at a whim and it is considered that in this case this has been demonstrated.

As stated above this application represents a re-submission of a previously refused scheme, one of the reasons for refusal related to the lack justification for the justifiable and functional need of the proposed office building, given the above assessment, it is considered that this reason for refusal has been overcome.

- 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 Phase One Environmental Desk Study Report (January 2019) and Bat Survey Report (Essex Mammal Surveys, September 2021) 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 imposed. 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 be controlled with a condition if planning permission is granted (please refer to condition 11).
- 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, whilst criterion (b) of policy E4 of the LDP cannot be met as there is not an agricultural business to contribute to, the support towards businesses in rural areas is prominent within the LDP and the NPPF. The main thrust of the local and government policy is to encourage the change of use of agricultural buildings to employment uses. This is a material consideration that is considered to outweigh the fact that the development would not meet criterion (b) as set out in policy E4 of the LDP. Thus, the principle of the development of the existing building for a E(g) use is considered to be acceptable.

5.1.13 Other material planning considerations 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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 As stated above, this application represents a resubmission of a previously refused scheme (20/01021/FUL). One of the reasons for refusal related to the impact of the proposal on the character and appearance of the area, as follows:

'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.'

5.2.8 The main issue raised in respect of the visual impact, set out in the officers report for 20/01021/FUL is as follows; *'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.'*

5.2.9 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.

5.2.10 The external appearance of the existing building is that of an agricultural barn. The existing openings on the eastern side elevation would be infilled with glazed windows, with glazed doorway openings, the barn doors currently in situ would be retained. There are three existing windows and a doorway on the southern elevation which would be replaced with glazed doorways and two larger window openings. The northern elevation would contain an enlarged window opening and new doorway and the western elevation would be altered with a large window opening and a doorway. The scale and form of the building would not be altered. The fenestration scheme has been slightly altered when compared to the previously refused scheme and the alterations are considered to have natural impact when compared to the previous scheme, in terms of the visual impact of the development.

5.2.11 The parking court would be adjacent to the southern elevation of the building and in response to the previous concerns raised the proposed surfacing material is grass-concrete and additional landscaping has been proposed around the parking court and building to provide some visual mitigation.

5.2.12 The proposed alterations to the existing outbuilding are considered to be minor and would have a natural visual impact.

5.2.13 In terms of materials the existing corrugated iron roof would be replaced with a material that matches the existing and the black timber waterboarded walls would be

retained and inserted where necessary, black metal gutters and downpipes are proposed and black aluminium framed windows, the existing shutters currently in situ would be retained. The proposed materials are considered to be sympathetic to the rural building.

- 5.2.14 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 thick vegetation and trees along the northern boundary largely screens views of the existing single storey building and therefore, the proposal would not have a significant or notable visual impact from public vistas.
- 5.2.15 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 and 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 and Heritage Specialist 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.
- 5.2.16 The site is in a rural area and currently in an agricultural/equestrian use. The proposed change of use and associated alterations to the existing building and site would result in a degree of urbanisation to the existing site. The main difference in the assessment of this application when compared to that previously refused is that it is considered a justifiable and functional need for the building has been demonstrated and the proposal would support and encourage an existing and established business to remain in the district. The reason for refusal in respect of the visual impact specifically states, *'The identified harm has not been adequately justified and would not be off-set by the benefits of the scheme'*. However, considering the level of alterations to the existing building and site are not considered to go beyond what is necessary for the existing building to function as an office building and the limited visual impact the proposal would have on the wider area, the visual harm arising from the development is considered to be outweighed by the economic and employment benefits.
- 5.2.17 To avoid a large expanse of hardstanding and ensure a comprehensive landscaping scheme is approved by the LPA it is considered appropriate to impose a condition, should the application be approved.
- 5.2.18 Given the above assessment it is considered that the visual harm arising to the site as a result of the proposal is off-set by the benefits of the scheme in this instance, in accordance with policies E1, E4, D1, H4 and D3 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 building is located 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 within this elevation. However, the window and existing 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 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 adopted VPS.
- 5.4.3 The application has been supported by a Transport Statement prepared by MLM Group in respect of Trip Generation it concludes '*the office development would generate 7 vehicle trips in the weekday AM peak and 5 vehicle trips in the PM peak. This equates on average to about 1 vehicle movement every 10 minutes in the weekday peak hours. On the basis of the above it is therefore considered that the proposed development would have an immaterial impact on the local highway network [in comparison to the existing use]*'. It is noted concerns have been raised by interested parties in relation to highway safety and the access to the site. However, Essex County Council Highways Authority (ECC) has been consulted and reviewed the submitted Transport Statement and have raised no concerns to the proposal in respect of access or highway safety.

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 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.”

5.5.3 A Phase One Environmental Desk Study Report and Bat Survey have been submitted as part of the application. The Council's Ecology Consultant has been consulted and subject to conditions for enhancement and mitigation measures, raises no objection to the proposed change of use.

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.
- **20/01021/FUL** – Proposed conversion of existing equestrian/storage barn building to form offices (Use Class E (g)) and associated development (Re-submission of planning application ref: 20/01021/FUL refused on the 15th January 2021) – Refused.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer	Object: The Council have previously raised various concerns to the 2 preceding applications at this site and following scrutiny of this latest application along with local representation the council resolved that there does not appear to be any identifiable need for such office space in this location. It is also considered that the development would pose a detrimental effect to the rural character of the surrounding area and	Please see section 5.1 and 5.4 of this report.

Name of Parish / Town Council	Comment	Officer Response
	considered that the narrow lane servicing the proposed site, that currently serves only a few residential properties, is not suitable for the perceived additional vehicle volumes.	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Ecology	No objection subject to conditions.	Noted and conditions recommended.
Essex County Council Highway Authority (ECC)	No objection subject to conditions.	Noted and conditions recommended.

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

- 7.4.1 2 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 application is not materially different.	Discussed in sections 3.1, 5.1 and 5.2 of this report.
The additional information and minor changes do not overcome strong policy concerns.	Discussed in sections 5.1 and 5.2 of this report.
Dose not consider a justifiable and functional need has been demonstrated and a number of questions raised in respect of the business proposed to go into the unit.	The level of information provided and summarised within section 5.1 of this report is considered to be adequate to demonstrate a functional and justifiable need as set out in the policy requirement.
Insufficient information from which to conclude that there are real tangible employment/economic or other benefits relating directly to the development proposed.	The policy criteria specifies that a justifiable and functional need is required to be demonstrated, the proposal supports an existing and established business who otherwise may relocate outside of the district.
Harm to the character and appearance of the countryside.	Discussed in section 5.2 of this report.
Detrimental impact to the quiet amenity	Discussed in section 5.3 of this report.

Objection Comment	Officer Response
which the occupants of nearby residential dwellings.	
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.	Discussed in section 5.1 of this report.
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.	A condition in this respect has been recommended.
List of desirable conditions.	The desired conditions have been considered however not all of them met the six tests as set out in the PPG.

7.4.2 1 letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The barn is well screened by bushes and trees, including 12 trees planted 2021/2021. The screening of the site is effective, visually attractive and in keeping with the surroundings.	Noted.
The application will avoid the buildings falling into disrepair and would be of benefit to the area.	Noted.

8. **PROPOSED CONDITIONS**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 13295 01A, 13295 02, 13295 06G, 13295 03A, 13295 04A, 13295 05A, 13295 07D, 13295 08C, 13295 09C, 13295 10 and 13295 11.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The materials to be used in the conversion hereby approved shall be corrugated iron roofing that matches the existing, black timber horizontal weatherboarded walls, black metal gutters and downpipes and black aluminium framed windows and retained as such thereafter the existing shutters currently in situ shall also be retained in perpetuity.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- Full details of the parking arrangements, which shall be in accordance with the adopted Maldon District Vehicle Parking Standards, shall be submitted to and approved in writing by the local planning authority. The development shall be

completed wholly in accordance with the approved details, prior to the occupation of the development hereby approved, and thereafter permanently retained.

REASON: To ensure adequate car parking provision is provided in accordance with the Councils adopted Vehicle Parking Standards.

- 5 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes falling within Use Class E(g)(i) of the Schedule to the Town & Country Planning Use Classes and for no other purpose.

REASON: In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with policies S1, S8, D1, D2, N2, T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.

- 6 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance policy D1 of the LDP.

- 7 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway

REASON: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy D1 of the LDP.

- 8 Prior to first occupation of the development, the cycle parking shall be provided in accordance with the details shown on plan reference 13295 11 and retained at all times.

REASON: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy D1 of the LDP.

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

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

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

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

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

REASON: To ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

- 11 No storage of raw materials or finished goods is to take place outside the building

REASON: In the interest of the character and appearance of the area in accordance with policy D1 and E4 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 12 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling hereby approved and these works shall be carried out as approved.

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 the dwelling 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: In the interest of the character and appearance of the area in accordance with policy D1 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 13 The hours of operation of the, E(g) unit hereby permitted shall be:
Monday to Friday - 0800 hours until 1800 hours
Saturday - 0800 hours to 1300 hours
Sundays & Bank holidays - No Operation

REASON: In order to ensure the protection of the amenities of adjacent occupiers in accordance with policies S8 and D1 of the LDP and guidance contained in the National Planning Policy Framework.

- 14 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Survey Report (Essex Mammal Surveys, September 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
REASON: To conserve and enhance protected and priority species in accordance with policy N2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- 15 A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Bat Survey Report (Essex Mammal Surveys, September 2021).
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented 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 Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 16 Prior to the first occupation of the building a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To conserve and enhance protected and priority species in accordance with policy N2 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

INFORMATIVES

- 1 Occasionally European protected species, such as bats, can be found during the course of development even when the site appears unlikely to support them or after an ecological survey has found no previous evidence of them. Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and a suitably qualified ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant

ecological consultant. If a Bat is found during the works the ecological consultant or National Bat Helpline should be contacted for advice on: 0345 1300 228.

- 2 To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
 - a) Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;
 - b) materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
 - c) rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge.
- 3 The applicant is reminded that, under the Wildlife & Countryside Act 1981 as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings on-site are likely to contain nesting birds between 1st March and 31st August inclusive. Nesting birds are assumed to be present in the buildings stated in the above reports between the above dates, unless a recent survey has been undertaken by a competent ecologist and has shown it is absolutely certain that birds are not present.

- 4 When a sewage treatment plant or septic tank is installed the applicant must ensure that the plant and receiving watercourse complies with DEFRA's general binding rules. Please note that if the general binding rules cannot be complied with you may need to apply for an Environmental Permit to use the system. Please see www.gov.uk for more information on General binding rules for small sewage discharges.
- 5 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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.

- 6 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.

- 7 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
- 8 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org

This page is intentionally left blank



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
1 DECEMBER 2021**

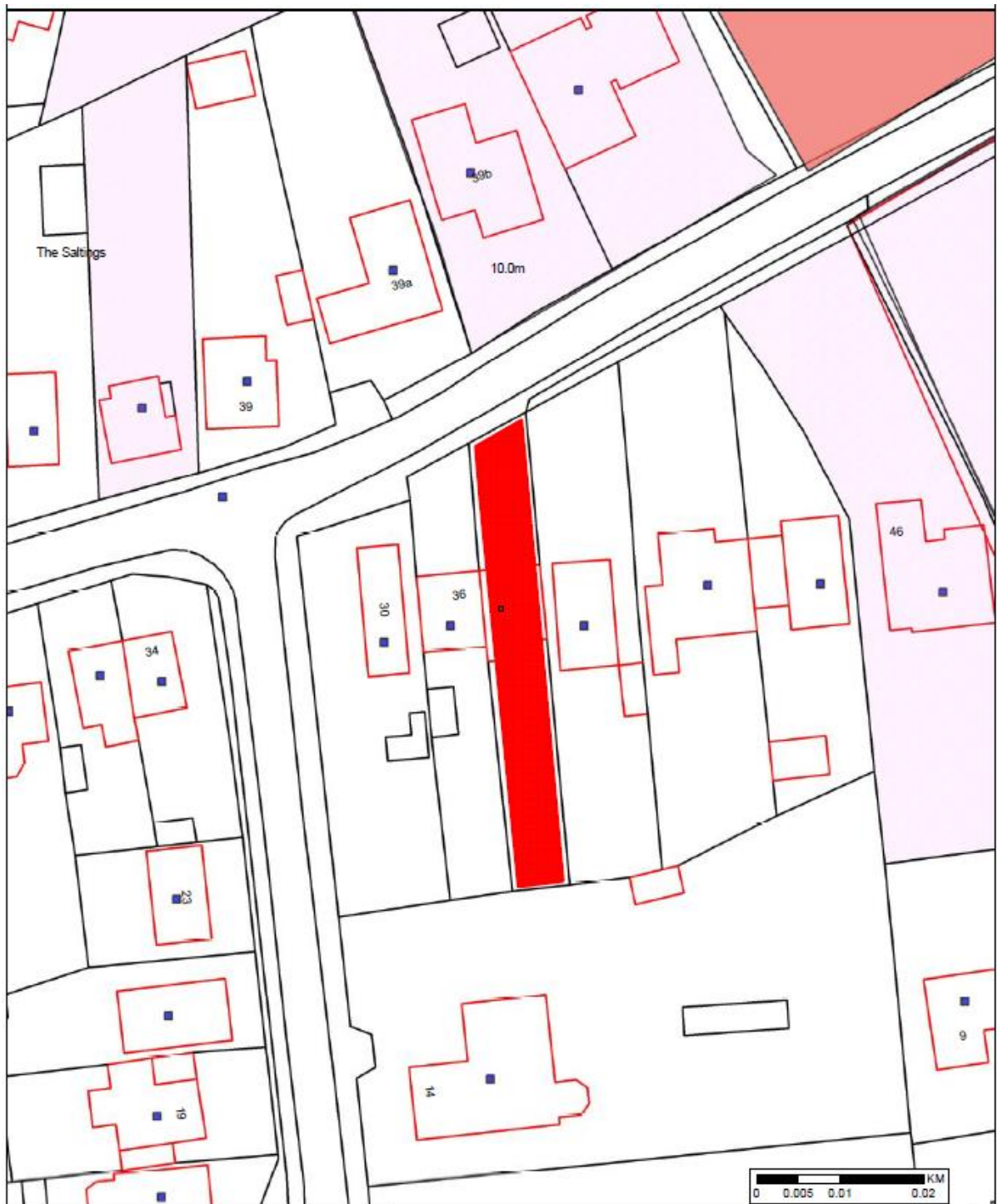
Application Number	21/01063/HOUSE
Location	Lavena, 38 Woodrolfe Road, Tollesbury, CM9 8SD
Proposal	One and a half storey side extension incorporating dormer windows to match existing.
Applicant	Chrissie Hitchins
Agent	Mr Adam Herbert – Adam Herbert Design
Target Decision Date	09.12.2021
Case Officer	Jade Elles
Parish	TOLLESBURY
Reason for Referral to the Committee / Council	Member of staff

1. RECOMMENDATION

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

2. SITE MAP

Please see below.



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 Woodrolfe Road and sits within the settlement boundary of Tollesbury. The site is currently occupied by a semi-detached chalet and is surrounded by residential dwellings varying in design. Woodrolfe Road changes in built and plan form character from west to east, with properties east of Crescent Road being largely chalet bungalows and bungalows, within a more spacious setting. It is noted also that Woodrolfe Road is on a sloping gradient from west to east, with the subject property at a slightly higher elevation to its unattached neighbour at No, 40. The corner property, No 30 Crescent Road, is aligned transverse to No 36 Woodrolfe Road with its rear wall facing the side wall of the latter.
- 3.1.2 Planning permission is sought for a one and a half side extension (effectively a cantilevered first floor side extension) with dormers to the front and rear of the dwelling. The ground floor will be retained open (providing for a car port), and the existing porch would be removed. The first floor will accommodate an additional bedroom, bathroom, and an en-suite. An obscure glazed window will be installed to the side of the first floor extension.
- 3.1.3 The proposed extension will measure 2.2 metres beyond the side elevations, 9.3 metres in depth: the eaves and ridge will match the existing building as the proposal is a continuation of the existing roof.
- 3.1.4 The proposed dormers will match what already exists. The dormer to the rear will connect with the existing dormers and the dormer to the front will be erected as a single dormer.
- 3.1.5 The dormer to the rear will extend the existing dormer by an additional 3 metres with a height of 1.8 metres and will extend beyond the roof slope by 2.6 metres. The dormer to the front will be 1.8 metres in width with a height of 1.8 metres and will extend beyond the roof slope by 2.6 metres.
- 3.1.6 In terms of materials, the application form states that the gable end of the extension will be facing brick with concrete interlocking tiles to the roof to match the existing dwelling. The dormers will be clad with white UPVC windows to match the existing dormers.

3.2 Conclusion

- 3.2.1 Having regard to all material factors, that being in particular the location, height and proximity and of the first floor extension to its neighbour to the east, No 40 Woodrolfe Road, the proposal would result in harm to the amenities of that neighbouring property by way of overbearingness, loss of light and outlook to a habitable room. Furthermore, the proposal, given its height, design and proximity to the neighbouring property, would jar uncomfortably through a clash of roof form and scale, resulting in an anomalous relationship to the detriment of the streetscene in this part of Woodrolfe Road. The proposal is therefore in conflict with the relevant policies contained within 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 (NPPF) 2021, including paragraphs:**
- 7 Sustainable development
 - 8 Three objectives of sustainable development
 - 10-12 Presumption in favour of sustainable development
 - 38 Decision-making
 - 47–50 Determining applications
 - 54–58 Planning conditions and obligations
 - 119–125 Making effective use of land
 - 126–136 Achieving well-designed places
 - 152–158 Meeting the challenge of climate change, flooding and coastal change
- 4.2 Maldon District Local Development Plan (LDP) 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
- 4.3 Relevant Planning Guidance / Documents:**
- Maldon District Vehicle Parking Standards SPD (VPS)
 - Maldon District Design Guide SPD (MDDG) 2017
 - Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending and altering the existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 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). Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The proposal has been designed to match a similar cantilevered first floor extension with open aspect ground floor to the adjoining half of the pair of semi-detached properties. The design of the development would have a gabled ended roof, continuing the existing roof form, with an extension to the rear dormer, an additional dormer to the front and an obscure glazed window on the side of the first floor

extension serving a bathroom. The ground floor will be open plan to the side and each end, with the first floor supported by brick piers. The first floor materials will match what already exists on the dwellinghouse.

- 5.2.5 The development would be visible from the streetscene. The streetscene comprises dwellings varying in design however, with the attached neighbour having a similar projection above the carport, the development effectively mirroring the attached neighbour would bring back symmetry to the pair of semis, which is acceptable in principle. However, the proposal would result in the property being sited close to the boundary with No. 40 Woodrolfe Road with a gable ended side wall towering over the shallow pitch of the neighbouring property. Given the scale of the development in this location, and a reduction in the visual gap between the two properties, the proposal would sit uncomfortably in the street scene to the detriment of the character and appearance of this part of Woodrolfe Road. In this respect the proposal is contrary to policy D1 and H4 of the Maldon Local Plan and the MDDG (2017) in terms of maintaining and respecting existing character.

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 is bordered by 3 neighbours. To the east is Malgre Tote, 40 Woodrolfe Road, to the south is Mallards, 14 Crescent Road and to the west is Tal Y Waen, 36 Woodrolfe Road.
- 5.3.3 The development would be located 0.3 metres from the boundary and 2 metres from the neighbouring property to the east. This neighbouring property is a single storey bungalow. There is a window to be constructed on the side of the development at first floor serving a bathroom, however, the window would be obscured glazed fixed up to 1.7m above finished floor level. It is noted there is a window serving a habitable room to the neighbouring property facing the development. The ambient light to the window is already compromised due to its proximity to the boundary fence, its lower elevation as a result of the slope in the street, and the existing boundary fence. The proposal site, being at a higher elevation and built up the boundary would result in further and a more significant loss of light to this window. A rooflight serves this habitable room to the neighbouring property, however, this is not considered appropriate mitigation for the loss of light, overbearingness and loss of existing outlook, even if currently restricted. An objection has been raised by this neighbouring property in relation to the potential loss of light on this second bedroom, and it is officers' view this objection has merit and is a material planning consideration. As such, the proposal would result in a loss of amenity to the neighbouring property to an extent that the proposal cannot be supported on this basis. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Plan and the MDDG (2017).
- 5.3.4 The development would be located at a sufficient distance and position to not impact on the amenities of neighbouring properties to the south and west.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.

- 5.4.2 The proposed development will change the property from a 2 bed to a 3 bed dwelling, however, the VPS requirements remain as 2 parking spaces for both 2 and 3 bed dwellings, therefore, the development is in accordance with the VPS and policy D1 of the LDP.

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 (2017) 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 not reduce the size of the garden; however, the dwelling would be extended from a 2 bed to a 3-bed dwelling. The private amenity space measure to 199m² and therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
MAR/351/64	Res dev	Approved
MAR/351/64/1	Chalets 1 bungalow with garage	Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Recommend approval	Noted.

7.2 Representations received from Interested Parties

- 7.2.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Affect the light coming into second bedroom.	Comment noted and address in section 5.3.3
Detrimental effect on the resale value.	Noted, however this is not a material planning consideration

8. REASONS FOR REFUSAL

- 1 The proposal, given its height, design and proximity to the neighbouring property would result in harm to the amenities of that neighbouring property by way of overbearingness, loss of light and outlook to a habitable room. The proposal is therefore in conflict with policies. D1 and H4 of the

- 2 The, proposal, given its height, design and proximity to the neighbouring property, would jar uncomfortably through a clash of roof forms and scale, resulting in an anomalous relationship to the detriment of the streetscene in this part of Woodrolfe Road. The proposal is therefore in conflict with policies. D1 and H4 of the Maldon District Local Development Plan 2017, the Maldon District Design Guide, and the National Planning Policy Framework 2021.

This page is intentionally left blank