

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

12 October 2021

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 20 OCTOBER 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 M R Edwards
VICE-CHAIRMAN	Councillor Mrs J C Stilts
COUNCILLORS	Miss A M Beale
	M S Heard
	B B Heubner
	K M H Lagan
	C Mayes
	C Morris
	S P Nunn
	N G F Shaughnessy
	C Swain





**AGENDA
CENTRAL AREA PLANNING COMMITTEE**

WEDNESDAY 20 OCTOBER 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 25 August 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. **21/00339/FUL - Quest Motors, Wycke Hill Business Park, Maldon** (Pages 13 - 32)

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

6. **21/00646/FUL - Barn at Maldon Wycke, Spital Road, Maldon** (Pages 33 - 46)

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.

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

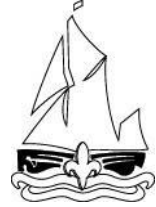
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

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.

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**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
25 AUGUST 2021**

PRESENT

Chairman	Councillor M R Edwards
Vice-Chairman	Councillor Mrs J C Stilts
Councillors	Miss A M Beale, B B Heubner, N G F Shaughnessy and C Swain

221. CHAIRMAN'S NOTICES

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

222. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M S Heard, K M H Lagan, C Mayes and S P Nunn.

223. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 28 July 2021 be approved and confirmed.

224. DISCLOSURE OF INTEREST

There were none.

225. 21/00297/HOUSE & 21/00298/LBC - JOSUA, 4 SILVER STREET, MALDON, ESSEX, CM9 4QE

Application Number	21/00297/HOUSE & 21/00298/LBC
Location	Josua, 4 Silver Street, Maldon, Essex, CM9 4QE
Proposal	Restoration and alterations to exterior and interior of the existing house.
Applicant	Mr & Mrs Bresler - Eleven Cromwell Hill Ltd
Agent	Mr Simon Plater - Plater Claiborne Architecture And Design
Target Decision Date	27.08.2021
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor C Mayes Reason: D1, D2, D3, H4, I2, S12

This application had been deferred by the Committee at its meeting on 28 July 2021 pending a site visit which had taken place on 16 August 2021. The full Committee report was attached as Appendix 1 to the report.

Following the Officers' presentation of the application, an objector, Mr Windsor addressed the Committee.

During the discussion that ensued Members raised concerns regarding the proposal including changes to the fenestration, parking provision, the staircase into the cellar, the steel door into the cellar, brick work relating to the car port, the reasons behind removal of the roof and the proposed windows. In response to a number of questions the following information was provided by Officers:

- The proposed development did not result in an increase in demand for parking which would be material to the application.
- Sub-division of the site was not part of the application before the Committee;
- The property currently had provision for two parking spaces which was a shortfall to that required in accordance with the Council's policy, however Member were informed that it was not possible to enforce creation of an additional space;
- In respect of the structure, no objections had been received and Members were informed structural matters would be down to building regulations. A condition requiring submission of a structural report could be imposed should Members be mindful to grant permission.
- No objections to the proposed steel door and stairway to the cellar had been received from either Historic England or the Conservation Officer. A condition requiring additional details / alternative materials could be imposed if Members were mindful to grant permission.

The Chairman moved the Officers recommendation of approval. This was not supported.

Councillor Mrs J C Stilts proposed refusal for reasons relating to the harm being done to the building, that going through the cellar outweighed the good of the work that would be done to the rest of the building. In response to a request for a further reason, she amended her proposal adding the extensive and unnecessary works to the fabric and structure of the building which undermined the historical nature. The amended proposal was duly seconded.

The Chairman advised Members of those who, having attended the site visit, were able to vote in respect of this application. As a point of clarification, the Lead Specialist Place explained that in accordance with the Council's procedures the site visit was delivered through deferral from the Area Planning Committee and therefore became part of the formal Committee. If a Member was not present for the entirety of the site visit, then they would not be able to vote on the application.

The Chairman put the proposal in the name of Councillor Mrs Stilts to the Committee and upon a vote being taken this was agreed.

Please note: the reasons for refusal are detailed under a separate item on these Minutes, following a point of clarification raised by the Lead Specialist Place.

226. 21/00588/FUL - 9 ACACIA DRIVE, MALDON, CM9 6AW

Application Number	21/00588/FUL
Location	9 Acacia Drive, Maldon, CM9 6AW
Proposal	Replacement dwelling.
Applicant	Ms Kay Broadway
Agent	Ms Annabel Brown – Annabel Brown Architect
Target Decision Date	16 August 2021
Case Officer	Hannah Dungate
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In by Councillor Heard because the Town Council objects to this application on the basis that its bulk, scale and design is out of keeping with the character of the street scene, in contravention of Policy D1.

Following the Officers' presentation, the Agent Ms Brown addressed the Committee.

In response to questions raised, the Specialist: Local Plans advised that there was no overlooking into the garden from adjacent residential properties and the Council could condition for electric charging points and any other green infrastructure to be put in place.

Councillor Miss A M Beale proposed that the Officers' recommendation of approval be agreed with the addition of a condition regarding electric charging points and green infrastructure. This proposal was duly seconded and upon a vote being taken was agreed.

RESOLVED that this 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 and documents: A14390/Loc00; A14390/PP01; A20390A/PP02 Rev B; A20390A/PP01 Rev B; VMZinc Standing Seam Design and Specification Requirement February 2015.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved and shall be retained as such thereafter.
- 4 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
 - (i) Proposes finished levels contours;
 - (ii) Means of enclosure;
 - (iii) Car parking layout;
 - (iv) Hard surfacing materials;
 - (v) Minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting);

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 occupation of the development hereby approved and retained and maintained as such thereafter.

- 5 Prior to any works above ground level, details of the surface water and foul drainage scheme to serve the development shall be 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.
- 6 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 dormer window or other form of addition or opening shall be constructed in the roof or flank elevations of the building hereby permitted, nor shall any extensions be erected within the site, without planning permission having been obtained from the local planning authority.
- 7 Prior to first occupation of the development, the onsite vehicle parking of two off-street parking spaces shall be provided as shown in principle on planning drawing No.A20390A/PP02 Rev A. Furthermore, a fast charging point shall be provided adjacent to at least one parking space. The vehicle parking areas shall be retained in the agreed form in perpetuity.
- 8 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north west and south east elevations as shown on drawing no. A20390A/PP01 Rev B shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

227. 21/00297/HOUSE & 21/00298/LBC - JOSUA, 4 SILVER STREET, MALDON, ESSEX, CM9 4QE CONTINUED

The Chairman advised that the Lead Specialist Place had a point of clarification he wished to raise in relation to the planning and listed building consent applications for Josua, 4 Silver Street, Maldon, which had been considered by the Committee at an earlier point on the Agenda.

The Lead Specialist Place sought clarification from the Committee in terms of the refusal agreed, advising that Members had not been specific when agreeing refusal if this related to both applications. He explained that whilst Members had discussed the change to the fabric of the building the reasons for refusal related only to internal works. Internal works would only relate to the Listed Building Application and therefore clarification was required in respect of the planning application. He advised that if Members' concerns were in relation to the historic fabric of the building they should look to grant the planning application but if their concerns related to changes outside the refusal could stand.

Councillors Mrs J C Stilts proposed that the Committee look at the outside as well as internal works, advising that Members were not happy they had been told that the bricks relating to the car port were being removed and the reasons behind the removal of the roof.

The Lead Specialist Place thanked Members for the clarification. He commented that these matters had been discussed as part of the earlier debate and Officers needed the clarity in forming the reasons for refusal.

21/00297/HOUSE:

RESOLVED that this application be **REFUSED** for the following reason:

1. The proposed development would result in harm to the character and appearance of the dwelling, the site and the surrounding area which is a conservation area, contrary to policies D1 and D3 of the Maldon District Local Development Plan.

21/00298/LBC:

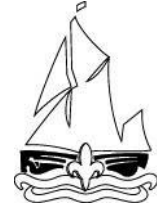
RESOLVED that **Listed Building Consent** be **REFUSED** for the following reason:

1. It is considered that the proposal would result in extensive and unnecessary works to the listed building, including the works to cellar, the removal of the car port and the replacement windows which would erode the historic character of the listed building, contrary to policy D3 of the Maldon District Local Development Plan.

There being no other items of business the Chairman closed the meeting at 8:17pm.

M R EDWARDS
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
20 OCTOBER 2021**

Application Number	21/00339/FUL
Location	Quest Motors, Wycke Hill Business Park, Maldon
Proposal	Erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or specified Sui Generis uses and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works
Applicant	Barkby Real Estate Developments Ltd
Agent	Karen Calkin - Firstplan
Target Decision Date	02.08.2021
Case Officer	Kathryn Mathews
Parish	MALDON TOWN COUNCIL
Reason for Referral to the Committee / Council	Major Application

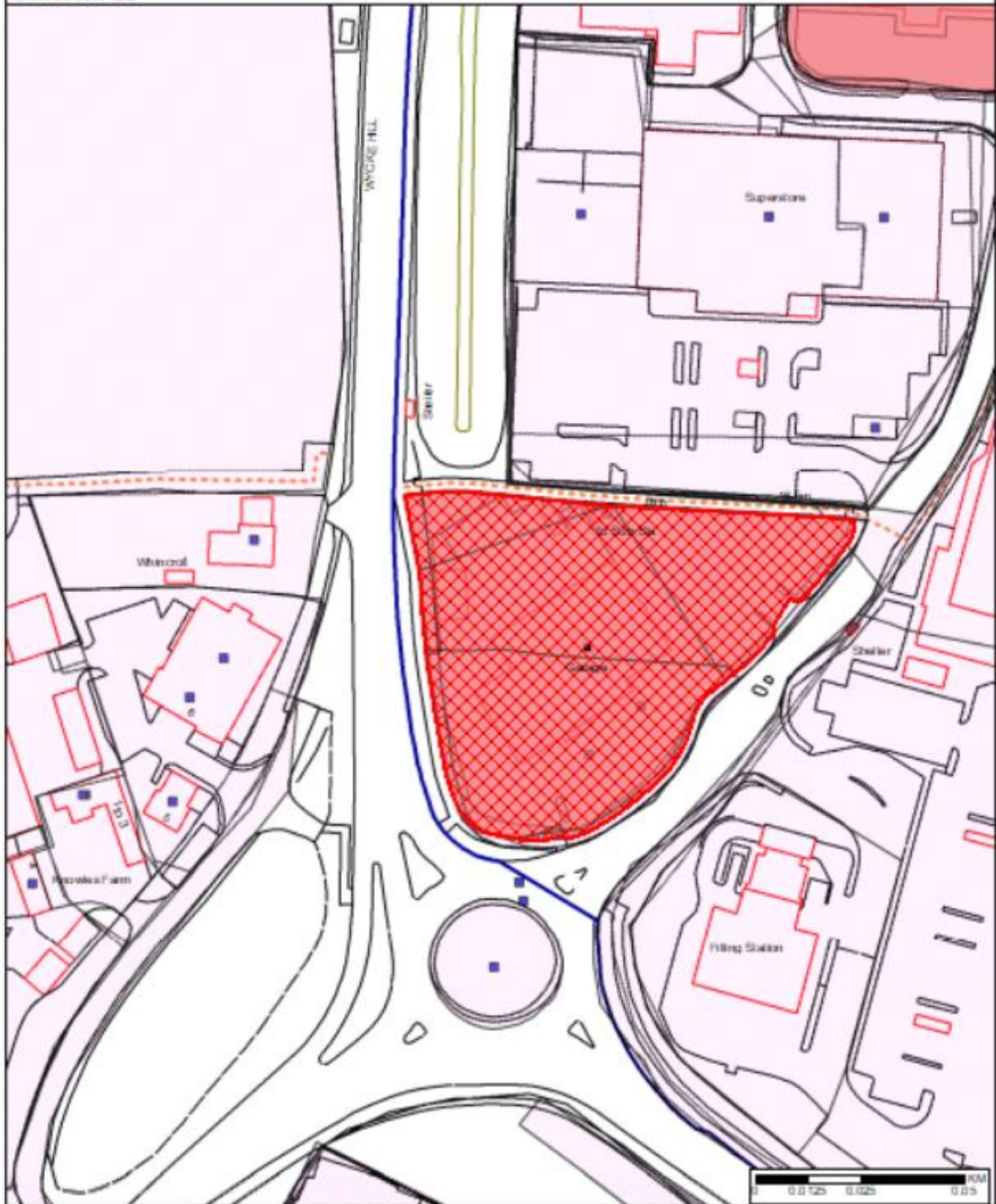
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

Quest Motors, Wycke Hill Business Park, Maldon
 21/00339/FUL



 MALDON DISTRICT COUNCIL	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. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2018	Scale: 1:1,250	
	Organisation: Maldon District Council	Department: Department	
	Comments: Central Area Committee	Date: 09/07/2021	
	www.maldon.gov.uk	MSA Number: 100018588	

3. SUMMARY

- 3.1 This application was deferred at the Central Area Planning Committee on 28 July 2021 (Minute 176 refers) to provide the applicant an opportunity to address the concerns raised in relation to parking provision.
- 3.2 Whilst the number of parking spaces proposed was considered to be sufficient when assessed against the minimums recommended as part of the adopted parking standards, the size of all of the parking spaces at 2.5m x 5m was below the minimum of 2.9m x 5.5m recommended in the adopted standards.
- 3.3 There was also the concern that there were no lorry parking spaces proposed which are required to serve Class B8 uses to comply with the adopted standards.
- 3.4 As a result, the development would have failed to accommodate the parking demand that would be generated by the amount of floorspace proposed which, in turn, is likely to lead to cars parking off-site in adjoining street potentially causing conditions of obstruction, congestion and danger to pedestrians and other road users, contrary to Policies D1 and T2 of the Local Development Plan (LDP).
- 3.5 Following the above, officers have been in discussion with the applicants, the result of which the scheme has been revised through further information and drawings to address the concerns previously raised. The assessment below is based upon this further/revised information and drawings.
- 3.6 The description of the proposal has also been amended to replace reference to Class B8 with specified Sui Generis uses, as recommended by Officers, as it was considered that the types of uses proposed did not fully fall within Class B8. The specified Sui Generis uses proposed are as follows:
- Builders and Plumbing Merchants (including kitchens, bathrooms, tiles, joinery, building and decoration supplies)
 - Electrical Wholesale
 - Motor Supplies
 - Hair and Beauty Supplies
 - Tool Hire and Sales

3.7 Proposal / brief overview, including any relevant background information

- 3.7.1 The application site is located to the south of Maldon and is currently vacant but was last occupied by Quest Motor Group who operated a car showroom and MOT testing/workshop from the site. The 0.69ha site is triangular in shape with a single storey, flat roofed building located roughly centrally and an area around the site's perimeter which was used to display cars for sale. To the north is Wickes and Pets at Home, with Morrisons supermarket and petrol filling station to the east, beyond a mini-roundabout. Further to the north of Wickes is Wycke Hill Business Park which consists of various employment/industrial units. The nearest residential property is located approximately 42m to the west on the opposite side of Wycke Hill.
- 3.7.2 Land to the west and south, beyond Wycke Hill, is allocated for residential development within the approved Maldon District Local Development Plan (MDLDP) with a small area also allocated for employment opposite the site on land adjacent to Knowles Farm (E1(q)).

- 3.7.3 The application site is not allocated for any specific use in the approved LDP but was used as a car showroom with ancillary facilities following planning permission having been granted in 2004 (refer to the relevant planning history below). The site is within the settlement boundary for Maldon with its western boundary forming that edge of the settlement. There is a public footpath along the northern boundary of the site.
- 3.7.4 Vehicular access to the site is via the access road serving the Business Park to the north which connects with a roundabout at the junction of Wycke Hill, Limebrook Way and Maldon Road located adjacent to the site's southern boundary.
- 3.7.5 Planning permission is sought for the erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or specified Sui Generis uses and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works.
- 3.7.6 It is the applicant's intention that Unit 1 (408.8sq.m.), to be located in the north-eastern corner of the site, would be an autocentre such as Formula One (Class B2) but, for flexibility, planning permission for specified Sui Generis uses is also sought.
- 3.7.7 Unit 1 would measure 30.4m in length x 14.9m in width and 8.2m in height with a pitched roof (to include roof lights). The external materials would consist of a mixture of black and silver coloured metal cladding with elements of timber cladding and a grey coloured metal clad roof.
- 3.7.8 Units 2 and 3 (278.7sq.m. and 464.5sq.m., respectively) would be located in the north-western corner of the site and are described as employment/trade units. Tool Station is a potential occupier for Unit 2 but, for flexibility, consent for Class B2 and/or specified Sui Generis uses is also sought. The applicant has suggested that a 30% restriction on floorspace for any showrooms/displays is imposed to ensure these elements remain ancillary which they suggest is an approach taken by other local planning authorities.
- 3.7.9 Units 2 and 3 would be within a second building which would measure 32.9m in length x 25m in width and a maximum of 9.3m in height with a pitched roof (to include roof lights). The external materials would match Unit 1.
- 3.7.10 Unit 4 (167.2sq.m.) is proposed as a drive-through coffee shop (Class E) to be located in the southern part of the site. Indoor and outdoor seating would be provided along with a drive-through lane. The applicant suggests that this element of the proposal would *'provide an ancillary and complementary function to the employment uses proposed on the site, and the wider employment area'*.
- 3.7.11 Unit 4 would be a third building which would measure 17.6m in length x 13.9m in width and be a maximum of 6m in height with a mono-pitched roof. The external materials would consist of a mixture of white and red render, a blue brickwork plinth and timber cladding for the walls and a grey coloured profiled metal roof. There would be a bin/plant store attached to the southern elevation of the building which would project 4.3m and extend 7m in length. The store would be enclosed with 2.6m high fencing which would match the timber cladding proposed on the southern elevation of the building. The applicant's agent has advised that extraction equipment would not be required for the type of Class A3 use proposed.
- 3.7.12 The majority of the existing vegetation along the site's boundaries would be retained and new planting is also proposed.

3.7.13 It is stated that the existing car showroom extends to 1200sq.m. of floorspace and that the floorspace proposed would total 1319sq.m. (1152sq.m. for the main buildings and 167.2sq.m. for the drive-through coffee shop). The applicant advises that the development is likely to provide employment opportunities greater than the previous use of the site (which provided 25 full time jobs), estimating that between 28-35 full time jobs would be provided.

3.7.14 The proposed hours of opening would be as follows:

- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
- Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
- Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays

3.7.15 Vehicular access to the site would be provided via a new access off the existing mini-roundabout along the access road to the Wycke Hill Business Park to the north of the application site. The existing vehicular access would be removed and replaced with a footpath.

3.7.16 The application is supported by a number of documents, as follows: Design and Access Statement, Landscape Strategy, Transport Assessment and Transport Statement Update, Contamination Study, Noise Assessment, Sustainable Drainage Strategy, Arboricultural Impact Assessment rev.B, Health Impact Assessment, Sustainable Drainage Strategy, Planning, Economic and Sequential Approach Statement and a further parking response dated 14.09.2021.

3.7.17 With respect to parking provision, the originally submitted scheme included a total of 52 car parking spaces three of which would have electric charging points. Four 'operational spaces' were also proposed in front of Units 2 and 3 as well as three MOT bays in front of Unit 1. There would be 8 cycle parking spaces adjacent to Unit 1 and 6 adjacent to the proposed coffee shop.

3.7.18 Following the concerns raised in relation to the parking proposed (see below), the scheme has been amended to include, what the applicant's agent describes as a 'hybrid' approach to parking bay sizes across the site. Details of the parking proposed is set out in section 5.5 below.

3.8 Conclusion

3.8.1 It is considered that the proposal would be acceptable in principle and would not cause material harm to the character or appearance of the area. Furthermore, the development would not cause material harm to local residents, subject to the imposition of conditions. No concerns are raised in relation to highway safety/access/parking provision, contaminated land or surface water drainage.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change

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

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy E1 – Employment
- Policy E2 – Retail Provision
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy T1 – Sustainable transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application is the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of local residents, drainage and highway safety/access/parking issues. The issue of contaminated land would also require consideration.

5.2 Principle of Development

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

- 5.2.2 Policy E1 states that proposals to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current need of local businesses in the District. The Policy also states that, outside designated employment allocations, new provision for high quality employment space or the extension of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations, which are matters discussed below.
- 5.2.3 Policy E1 requires that new employment uses are directed towards the designated employment areas before other sites are considered, the previous use (a car showroom and MOT/workshop facility) was an employment generating use and therefore, the redevelopment of the site for a new employment use is considered acceptable. Whilst it is acknowledged that the coffee shop element proposed would not be an employment use, it is small scale and the provision of new fit for purpose buildings would outweigh the relatively small loss of employment land. Furthermore, the site is in close proximity to a number of retail spaces and it is considered that the proposed coffee shop would complement the wider area and therefore, is acceptable in planning terms.
- 5.2.4 In support of the proposal, reference is made to the employment the industrial/trade specialist uses would generate, that the development would bring new investment into the District and that the development would complement the existing range of uses within the adjacent Business Park.
- 5.2.5 Based on the above, it is considered that the development proposed would be appropriate to the site, given its previous use, would be acceptable in principle and is not contrary to Policy E1 of the LDP.
- 5.2.6 As part of the application, it is suggested that other local planning authorities have accepted the trade specialist uses proposed as 'Class B8 with ancillary showroom' (a Sui Generis use). In their view, this *'highlights the predominantly storage and distribution nature of their business whilst acknowledging that the units incorporate showroom/display areas, and that sales, albeit predominantly to the trade sector, also occur on site'*. However, the applicant has advised that they would be willing to accept an alternative approach whereby specified Sui Generis uses are considered. It is also suggested that a common approach taken by other local planning authorities is to restrict the showroom/display area for such uses to 30% of the floorspace. It is considered that it would be necessary to limit the floorspace used as showrooms/ display areas within the units to ensure that these elements remain ancillary to the employment uses proposed.
- 5.2.7 Policy E2 relates to retail provision. The Policy requires that a retail impact assessment is submitted for applications where new retail floorspace proposed exceeds 1,500sq.m. in Maldon and Heybridge and the new retail use is in an edge or out-of-centre locations, such as the site the subject of this application. However, the retail floorspace proposed would be less than the 1,500sq.m. threshold.
- 5.2.8 Policy E2 also requires that additional retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of-centre or out-of-centre sites be considered although it is acknowledged, in the Policy, that there is, to a limited extent, potential to locate new retail space, in the form of Local Centres, to support the garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2.

5.2.9 In support of the application, the applicant has advised that there are no available retail units within Maldon town centre which could accommodate the specific use proposed i.e. a drive-through coffee shop. Officers have no reason to disagree that there are no suitable and viable sites within the town centre to accommodate the coffee shop proposed. Furthermore, as stated above, it is considered that the coffee shop would be a use which would be appropriate when considering the wider commercial nature of the site and its surroundings

5.2.10 Based on the above, it is considered that the development proposed would be appropriate to the site, would be acceptable in principle and is not contrary to Policy E2 of the LDP.

5.3 Design and Impact on the Character of the Area

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

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

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

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

5.3.3 This principle has been reflected to the approved LDP. 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.

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

5.3.5 The new buildings would replace an existing building which has a floorspace of 1200sq.m. and a flat roof height of 7.2m located roughly centrally within the site. The combined floorspace of the new buildings would result in a limited increase of floorspace on site of around 120sq.m.. The height of the two larger buildings would

be 8.2m or 9.3m which would be greater than the height of the existing building, but these new buildings would have pitched roofs, unlike the existing building, and would be located in a less visually prominent part of the site than the existing building (the north-eastern and north-western corners of the site) behind existing, boundary vegetation. The proposed coffee shop would be marginally closer to the southern and western boundaries of the site than the existing building but would have a significantly smaller footprint and would be lower in height. The Maldon Society has raised concerns regarding the location of the bin storage enclosure but, whilst it would be less visible if it were to be located on the northern rather than the southern elevation of the building, the timber enclosure would be viewed with the coffee shop as a backdrop, match the timber cladding on the building to which it would be attached and, in the context of the development as a whole, would not cause material harm to the character and appearance of the area. No objection is raised to the external materials proposed which are considered to be appropriate for the type of development proposed. The majority of the existing vegetation would be retained and new planting along the site boundaries is proposed. A condition requiring details of works within the Tree Protection Areas of the trees to be retained, as recommended by the Consultant Arboriculturalist, is included below.

- 5.3.6 Based on the above, it is considered that the layout and design of the development would be acceptable, and the proposal would not cause material harm to the character or appearance of the area, in compliance with Policy D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 There are no existing residential properties within the immediate vicinity of the proposed development but there are residential properties on the opposite side of Wycke Hill. A Noise Assessment has been submitted in support of the application.
- 5.4.3 The Specialist - Environmental Health has raised no objections to the proposal, subject to a condition requiring a Construction Management Plan.
- 5.4.4 Based on this advice and taking into account the fact that the development would replace an existing use which would have generated noise and disturbance and as the nearest residential properties would be separated from the development by a busy road (Wycke Hill), it is not considered that the development would cause harm to the amenity of the existing residents in the vicinity of the site, in compliance with Policy 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 proposal, inter alia, to 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 encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.5.3 There is no specific parking standard for the Sui Generis uses specified, but the following standards are considered to be relevant to the development proposed:-

Class B2

General Industry: car parking 1 space per 50sq.m.; cycle parking 1 space per 100sq.m. for staff and 1 space per 400sq.m. for visitors

Class B8

Storage and Distribution: Warehouse distribution: Car parking 1 space per 100sq.m., 1 lorry space per 200sq.m. Cycle parking 1/500sq.m. for staff; 1/1000sq.m. for visitors

Class A3 (now part of Class E)

Roadside cafes (including drive through outlets): Car parking 1 space per 5sq.m. Cycle parking 1 per 4 staff and 1 per 25sq.m. for customers.

- 5.5.4 Unit 1 would have a floorspace of 408.8sq.m. which equates to a need to provide a minimum of 9 car parking spaces and five/six cycle parking spaces. Units 2 and 3 would have a combined floorspace of 743.2sq.m. which equates to a need to provide a minimum of 8 car parking spaces and three cycle parking spaces using the adopted standard for Class B8 uses. Unit 4 would have a floorspace of 167.2sq.m. but only 100sq.m. would be for customer use which would equate to a need to provide a minimum of 20 car parking spaces, 7 cycle parking spaces for customers plus cycle parking for staff.

5.5.5 Units 1, 2 and 3

- 19 car parking spaces at the minimum dimensions required of 2.9m x 5.5m
- 9 car parking spaces for 'operational' use with dimensions of 2.5m x 5m
- 8 cycle parking spaces

- 5.5.6 This car parking provision would be sufficient to meet the minimum required by the SPD.

5.5.7 Unit 4

- 18 car parking spaces at the minimum dimensions required of 2.9m x 5.5m
- 3 car parking spaces for 'operational' use (for staff) with dimensions of 2.5m x 5m
- 6 car parking spaces with dimensions of 2.9m x 5m
- 6 cycle parking spaces

This would be an overall under provision of 2 car parking spaces with dimensions less than the minimum recommended in the SPD and there would be an under provision of cycle parking. However, these deficiencies are considered to be minor in the context of the development as a whole. Furthermore, there is the potential for at least some joint trips with the trade units proposed.

- 5.5.8 In terms of the lack of dedicated lorry parking, the applicant refers to the Transport Assessment submitted which includes vehicle swept paths for the various delivery and refuse collection vehicle requirements for turning and parking. They also advise that Units 2 and 3 would have a roller shutter door for the receipt of delivery vans and when space for a larger goods vehicle is required which cannot take place out-of-hours, the 4 'operational' parking bays immediately in front of the units would be used

temporarily. It is suggested that such management measures are a regular occurrence on 'trade park' centres as the sizes of the units are sufficiently small that they do not attract tenants with businesses requiring a high turnover of heavy goods vehicles. It is further noted that the majority of deliveries would be transit type vans and the applicant has suggested that a condition could be imposed to limit the use of these units to the Sui Generis uses specified and to require a delivery and servicing management plan for all tenants which would cover the following matters:

- Intended operating hours and servicing hours for each tenant;
- For each tenant, information on expected deliveries per week, in terms of frequency, duration of loading/unloading;
- For each tenant, information on delivery vehicle types (specifically when vehicles larger than 7.5t are expected);
- To maintain a plan showing the car parking layout and intended unloading areas; and
- To review the Plan on an annual basis, providing an update to the local planning authority as appropriate, such as where there is a change of tenant.

5.5.9 Based on this additional information provided and subject to the imposition of the above conditions, no objections are raised to the lack of dedicated lorry parking spaces as part of the development.

5.5.10 In relation to the proposed means of vehicular access to the site, Essex County Council Highways (ECC) has raised no objections subject to the imposition of conditions. Based on this advice, it is considered that the proposed means of access would be acceptable, and the proposal would not have an adverse impact on highway safety.

5.5.11 In summary, it is considered that the development would be acceptable in terms of its impact on highway safety, access and parking provision, in compliance with Policies D1 and T2 of the LDP, and that Officers' previous concerns have been adequately addressed.

5.6 Drainage

5.6.1 No concerns are raised to the foul drainage proposed as this would be to the mains sewer.

5.6.2 With respect to surface water drainage, the ECC SuDS Team has raised no objections to the proposal (Policy D5).

5.7 Contaminated Land

5.7.1 Based on the advice of the Specialist – Environmental Health, no concerns are raised in relation to contaminated land subject to the imposition of the condition recommended by the Specialist (Policy D2).

5.8 Other Matters

5.8.1 There are two 'pre-commencement' conditions recommended below. The applicant has raised no objection to the imposition of these conditions.

6. ANY RELEVANT SITE HISTORY

- **04/00015/FUL** - Car showroom facility with associated ancillary space, MOT testing station, workshop facility and steamer bay – Approved 17.06.2004
- **06/01200/FUL** – Erection of car preparation and hand-over enclosure – Approved 15.05.2007
- **11/00673/FUL** - Construction of a new single storey hand over bay to existing car showroom building. Internal alterations and re-painting of Kingspan external cladding – Approved 05.10.2011

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SuDS Team	No objections.	Noted – refer to section 5.6 of report.
Environment Agency	No objection based on no infiltration SuDS at the site, and no sensitive water receptors at the site.	Noted.
ECC Highways	The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, Consequently, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the imposition of conditions requiring a Construction Management Plan, the suitable and permanent closure of the access to be closed, controlling the details of new accesses, provision of the parking area proposed, no discharge of surface water onto the highway and maintenance of the public's rights and ease of passage over public footpath no 1 (Maldon) at all times, and informatives.	Noted – the conditions recommended are included below. Refer to section 5.5 of report.
Cadent Gas	There is apparatus in the vicinity of the site.	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections subject to conditions requiring a Construction Management Plan and relating to contaminated land.	Noted – the conditions recommended are included below. Refer to sections 5.4 and 5.7 of report.
Arboricultural Consultant	No objection to the trees shown to be removed for sight lines, these can be replicated elsewhere on site with new planting. Recommends that a condition is imposed requiring a tree protection method statement, to include how work within the Tree Protection Areas will be carried-out and for other trees shown to be retained.	Noted – the condition recommended are included below. Refer to section 5.3 of report.

7.4 Representations received from Interested Parties

7.4.1 3 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Concern regarding the visual prominence of the bin and waste store for the Costa coffee shop - the appearance of the proposal from the main road would be improved if elevation 2 was swapped with elevation 4.	Noted – refer to section 5.3 of report.
Traffic is appalling around this area. Would cause same traffic difficulties caused by McDonalds at Tesco's.	Noted – refer to section 5.5 of report.
No need for drive-thru. A new doctors surgery or clothes shop would be preferable	Noted.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 16408-99C
 Existing Context Plan 16408-100C
 Existing Site Plan 16408-101C
 Existing GA Plan 16408-102A
 Existing Roof Plan 16408-103A
 Existing Elevations 16408-104A
 Proposed Context Plan 16408-110G
 Proposed Site Plan 16408-111 I
 Proposed Site Sections 16408-112 D
 Proposed Street Scene 16408-113
 Unit 1 Proposed GA Plan 16408-120B
 Unit 1 Proposed Roof Plan 16408-121C
 Unit 1 Proposed Elevations 16408-122C
 Units 2&3 Proposed GA Plan 16408-130C
 Units 2&3 Proposed Roof Plan 16408-131D
 Units 2&3 Proposed Elevations 16408-132D
 Unit 4 GA Plan 16408-140A
 Unit 4 Roof Plan 16408-141B
 Unit 4 Proposed Elevations 16408-142D
 Proposed Cycle Shelter 16408-150A
 Landscape Plan – 16408-VL-L01F
 External lighting - D42260/LKM/C rev.A

Outline drainage layout - 4919-HJCE-ZZ-XX-DR-C-3001 rev.PO1
 Drainage areas proposed - 4919-HJCE-ZZ-XX-DR-C-3002 rev.PO2
 Sustainable Drainage Strategy
 16408-015B Parking Plan

Updated Transport Assessment May 2021

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

- 3 The materials used 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 NPPF.

- 4 No form of external illumination shall be provided other than in accordance with the details hereby approved (including the luminance and spread of light; and the design, position and specification of the light fittings). The external illumination shall be retained in accordance with the approved details.

REASON: In order to protect the amenity of the local residents and the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

- 5 The opening hours shall be limited to the following:

- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
- Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
- Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays

REASON: For the avoidance of doubt and in order to protect the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

- 6 Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified, it must be reported in writing to the local planning authority immediately, a risk assessment of the site undertaken and a scheme to bring the site to a

suitable condition submitted to and agreed in writing by 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 shall be undertaken by a competent person in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

REASON: To ensure that any contaminated land within the site is dealt with appropriately, in accordance with Policy D2 of the approved Maldon District Local Development Plan and the NPPF.

- 7 No development shall take place, including any ground works or demolition, 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:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
 - e. the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) no dust emissions should leave the boundary of the site;
 - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
 - f. measures to prevent the pollution of ground and surface waters
 - g. where any soils that are known to be contaminated are being excavated /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.

REASON: To ensure that on-street parking of 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 and in the interests of the amenity of local residents, in accordance with Policies T2 and D1 of the approved Maldon District Local Development Plan and the NPPF.

- 8 The existing access on Wycke Hill Business Park as shown on the site layout plan (DWG No.16408-101C) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 9 Prior to first occupation of the development, and as shown in principle on planning DWG No. 16408-111 rev.I, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 12.5 metres. Any redundant parts of the existing accesses on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.

- REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 10 Prior to occupation of the development, the access at its centre line of the entry lane shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 40 metres as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
- REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 11 The public's rights and ease of passage over public footpath no 1 (Maldon) 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 approved Maldon District Local Development Plan.
- 12 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on drawing number 16408-111 rev.I, 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.
- REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 13 The cycle and powered two wheeler parking facilities as shown on the approved plan 16408-111 rev.I shall be provided prior to the first occupation of the development and retained at all times.
- REASON: To ensure appropriate parking is provided in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 14 There shall be no discharge of surface water onto the Highway.
- REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.
- 15 Prior to any works being carried-out within the Tree Protection Areas of the trees to be retained, details of the works 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 In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.
- 16 Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works shall be fully implemented in accordance with the approved details. 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 In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.
- 17 No more than 30% floorspace of each of Units 1, 2 and 3 shall be used as a showroom/display of items for sale at any time.
- REASON In order to ensure that this element remains ancillary to the use of these units, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Unit 4 shall only be used as a drive through coffee shop and no other use at any time.
- REASON Planning permission is granted for this use on the basis that it is a supportive/complementary use, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.
- 19 No additional floorspace shall be created within any of the units hereby permitted.
- REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 20 Prior to the occupation of any of the units hereby permitted, a delivery and servicing management plan for all tenants shall be submitted to and approved in writing by the local planning authority. The Plan shall cover the following matters:
- Intended operating hours and servicing hours for each tenant;
 - For each tenant information on expected deliveries per week, in terms of frequency, duration of loading/unloading;
 - For each tenant information on delivery vehicle types (specifically when vehicles larger than 7.5t are expected);
 - a plan showing the car parking layout and intended unloading areas; and
 - To review the Plan on an annual basis and submit an update to the local planning authority for approval in writing including where there is a change of tenant.
- REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 21 The Sui Generis uses permitted for Units 1, 2 and 3 shall be restricted to the following unless otherwise agreed in writing by the local planning authority:
- Builders and Plumbing Merchants (including kitchens, bathrooms, tiles, joinery, building and decoration supplies)
 - Electrical Wholesale
 - Motor Supplies
 - Hair and Beauty Supplies
 - Tool Hire and Sales
- REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.

INFORMATIVES

1. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is

considered to be a breach of this legislation. The public's rights and ease of passage over public footway no1 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

2. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with Essex County Council. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
3. The developer will be responsible of the expense of moving any existing utilities located within the Highway.
4. 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
5. Cadent Gas has advised that apparatus has been identified as being in the vicinity of your proposed works: Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity). BEFORE carrying out any work you must - contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted; - ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>; - in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
20 OCTOBER 2021**

Application Number	21/00646/FUL
Location	Barn at Maldon Wycke, Spital Road, Maldon
Proposal	Conversion of barn into one residential dwelling with alterations and a new car port.
Applicant	Darren Arnull – Punch Construction Ltd
Agent	Edward Morton – The Morton Partnership Ltd
Target Decision Date	10.09.2021
Case Officer	Kathryn Mathews
Parish	MALDON TOWN COUNCIL
Reason for Referral to the Committee / Council	Not Delegated to Officers

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Barn at Maldon Wycke, Spital Road, Maldon
 21/00646/FUL



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Area Committee
Date:	27/09/2021
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located in the rural area, beyond the defined settlement limits for Maldon.
- 3.1.2 The barn the subject of the application is within the grounds of Maldon Wycke, approximately 10m to the north of the existing house at Maldon Wycke. Maldon Wycke is located off Spital Road, opposite the fire station adjacent to recently completed Wycke Court. The house and grounds are accessed off Spital Road via a private drive. The barn the subject to this application and the existing house at Maldon Wycke are Grade II listed buildings. There are other listed buildings further to the north. The site benefits from existing trees and other vegetative screening particularly to the north, east and west.
- 3.1.3 It is understood that the barn is currently used for storage ancillary to the house at Maldon Wycke. The original barn consisted of 5 bays with a hipped roof. A single storey lean-to extension exists along the north side of the building. The building is clad with black weatherboarding with a plain tiled roof.
- 3.1.4 Planning permission is sought for the conversion of the barn into a three/four-bedroom residential dwelling and associated works. The ground floor layout would generally be open plan but would include a bedroom. The central bay would be read as a double height space with bedrooms (a total of three) either side. The barn would be clad in black timber weatherboarding and the roof would be clad in plain tiles to match the existing.
- 3.1.5 The car port proposed would be positioned to the south east of the barn and would measure 6.3m x 5.6m and 5.1m in height (pitched roof). It is not stated what the first floor of the building would be used for, but this level would be accessed via an external staircase.
- 3.1.6 The proposal is substantially the same as that previously approved under application references 18/00305/FUL and 18/00306/LBC, but this planning permission and listed building consent have now expired. The current scheme includes some minor differences to the previously approved scheme, as follows:
- The rooflights on the main body of the barn and one of the rooflights proposed for the rear lean-to have been omitted.
 - An existing window opening on the first floor, north elevation will be reinstated.
 - The first floor, east elevation run of windows behind the louvres will be reduced. Only two windows are proposed, between the existing studs. The louvres will be removed at this location.
- 3.1.7 The application is accompanied by a Design and Access Statement, Heritage Statement and a Bat Mitigation Plan March 2021.

3.2 Conclusion

- 3.2.1 It is considered that the proposal is acceptable in principle and would not have an adverse impact on the character and appearance of the area, the integrity of the listed building or the setting of neighbouring listed buildings, subject to the imposition of conditions. The proposal would also not have an adverse impact on the amenity

of neighbouring residential properties, nature conservation or parking/highway safety and an adequate quality of life for the occupiers of the dwelling would be provided.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 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
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the proposal on the character and appearance of the area, the impact of the proposal on the Grade II listed building and the setting of neighbouring listed buildings, any impact on the occupiers of neighbouring residential properties and the quality of life for the

occupiers of the proposed dwelling along with the impact of the development on nature conservation and parking/highways.

5.2 Principle of Development

- 5.2.1 The application site is located outside the defined development boundaries of Maldon and within the countryside. Policy S8 states that, outside the defined development boundaries and other defined areas, 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 development within a list set out in the Policy including (e) the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3).
- 5.2.2 Policy E4 (Agricultural and Rural Diversification) is not relevant to the consideration of this application. An assessment of the proposal against Policy D3 is below (section 5.4) along with an assessment of the impact of the proposal on the character and appearance of the area (section 5.3).
- 5.2.3 Planning permission was previously granted for the conversion of the barn into a dwelling (reference 18/00305/FUL). This planning permission has now expired but the Policy position in relation to the re-use of rural buildings remains unchanged. Furthermore, the site is not in an isolated location being within a group of existing dwellings and close to the edge of the settlement boundary for Maldon. Therefore, the principle of the development remains acceptable, subject to an assessment against other material planning considerations as set out below.

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.
- 5.3.3 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:-
- 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.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

- 5.3.5 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.
- 5.3.6 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.
- 5.3.7 Policy D3 of the LDP states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting ... and any features and fabric of architectural or historic interest'. LDP Policies S1, D1 and H4 are also relevant to the assessment of the impact of the proposal on the listed building.
- 5.3.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3.9 The proposed conversion would introduce limited alterations to the external appearance of the building with the re-use of the existing window and door openings, and as the external materials would match the existing. Conditions could be imposed requiring further details of boundary treatment and external materials, as recommended by the Specialist – Heritage and Conservation if planning permission were to be granted. The proposed residential curtilage would be contained within the immediate vicinity of the building with the majority of the external amenity space located to the rear. The proposed car port would be discreetly located on the eastern boundary of the site in close proximity to the existing barn and, whilst some existing vegetation would require removal to facilitate its construction, this element of the proposal would not cause material harm to the character or appearance of the area. Existing trees would be retained, and further details of tree protection measures have been approved as part of application reference 21/05083/DET.
- 5.3.10 As a result, and given the extent and position of the residential curtilage proposed, it is considered that the development would not be visually intrusive in the countryside and could enhance the building's immediate setting, in compliance with Policies D1, S1, S8 and H4 of the LDP.

5.4 Impact on the Listed Building

- 5.4.1 Policy D3 of the LDP states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing

justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest'. LDP Policies S1, D1 and H4 are also relevant to the assessment of the impact of the proposal on the listed building.

- 5.4.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4.3 This former agricultural building dates from the late-18th or early-19th century. It is a timber-framed building, clad in modern black-painted weatherboarding, 2 storeys in height, with a hipped roof clad in clay tiles, and a single-storey lean-to to the rear roofed in corrugated tin. There is an original 1st-floor loading door on its principal elevation, the other windows and doors are modern. This was originally a single-storey cartlodge, open back and front, with raking braces to the wall plate. Shortly after its original construction the building was raised to 2 storeys, to create a granary at first-floor level. The grain bins have been removed, but there is some evidence for their former presence. The original floor boards are joined by small fillets to prevent grain from falling between them. There was originally plastered brick nogging infilling the studwork at first-floor level, although only fragments of this survive. There is an historic opening, probably for ladder access, framed into the first-floor structure in the central bay. At ground-floor level there was a partition between the central bay and the next bay to the west, which has been removed. Some of the framing at the western end of the building was rebuilt in the 20th century. The rebuilt floor structure of the western bay incorporates a modern flight of stairs. This Georgian agricultural building is a reasonably good example of its type, comparable to other cartlodge and granary buildings such as at those Langford Hall and Bridgewick, Dengie. It complements the setting of (and shared 'group value' with) the adjacent separately listed farmhouse called Maldon Wycke. It currently functions as an outbuilding ancillary to Maldon Wycke.
- 5.4.4 In terms of the impact of the proposal upon the significance of the listed building, the Specialist – Heritage and Conservation concludes that finding a new use for the building would help secure its long-term survival and that the building is capable of conversion without harm to its special character. In particular:
- The sole plates dividing each bay are modern, so there will be no harm caused by their removal. There is already a continuous first-floor structure in place. At first-floor level the tie-beams can easily be walked under so there is no need to disturb them. There are no important historic features such as grain bins to work around. The presence of several existing openings means that not many new openings are required. The existing cladding is almost entirely modern, so the complete recladding of the building will cause no harm to its character.*
- the design of the proposed conversion [would].. be sympathetic to the building's established character. Most of the existing openings will be reused. The new windows are discreetly placed, and will run across the outside of the timber frame to ensure that none of the historic structure is removed. The use of external timber louvres will give the conversion a contemporary feel that would not compromise the building's established character, and would help soften the appearance of the larger expanses of glazing.*
- 5.4.5 With respect to the impact of the proposal on the setting of the listed building, the Specialist advises that the style and appearance of the proposed cartlodge will

harmonise with the character of the listed building and cause no harm to its setting but also advises that care will need to be taken to ensure that any new boundary treatments are sympathetic to the listed building's setting, particularly any to the front of the building.

- 5.4.6 Based on the above, it is considered that the proposal would not have an adverse impact on the listed building or its setting, subject to the imposition of conditions, in compliance with LDP Policies S1, D1, D3 and H4, the NPPG and NPPF.

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 proposed dwelling would have habitable room (bedroom) windows on the front (southern), rear (northern) and eastern elevations at first floor level and there are existing dwellings to the east (Wycke Court), north (Headland and The Granary) and south (Maldon Wycke). An external staircase is also proposed on the northern elevation of the cart lodge building proposed along with a first-floor window on the southern elevation. However, the proposed bedroom windows facing north and south would be high level which, along with the distance to the neighbouring properties and their angle to the neighbouring properties, would not result in a material loss of privacy for the occupiers of any neighbouring dwelling. The bedroom windows facing east and the external staircase to the cart lodge building would also not cause a material loss of privacy to Wycke Court as these windows and staircase would face the end of their rear gardens as well as being angled away from their rear elevations and the main parts of their rear gardens. The first floor window on the southern elevation of the cart lodge building would not have an outlook which would result in a material loss of privacy for any property to the south of the site. Furthermore, the proposed cart lodge, whilst it would be in close proximity to the rear garden of the neighbouring property at Wycke Court, would not be of a size, height or position so as to result in harm being caused by reason of dominance, loss of outlook, loss of sunlight or loss of daylight. It is considered that any increased use of the existing accessway would be limited and so would not have a material impact in terms of disturbance.

- 5.5.3 On the basis of the above, it is considered that the proposal complies with Policy D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.6.3 Vehicular access to the proposed dwelling would be via the existing private accessway to Maldon Wycke from Spital Road. The proposal includes the provision of a cart lodge. There would be space within the site for at least three car parking spaces which would comply with the adopted parking standards.
- 5.6.4 Essex County Council Highways (ECC) has raised no objections to the proposal subject to the public's rights and ease of passage over public footpath 2 (Maldon) being maintained free and unobstructed at all times.
- 5.6.5 On the basis of the above and the nature and extent of the proposal, it is considered that the development would be acceptable in terms of parking provision and highway safety, in compliance with Policies T2 and D1 of the LDP.

5.7 Quality of Life

- 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 provided with in excess of 100sq.m. of private amenity space which, whilst significantly smaller than the amenity space associated with the existing, neighbouring dwellings, would comply with the abovementioned standards. As a result of the distances to existing, neighbouring dwellings, the positions of habitable room windows on these neighbouring dwellings and the existing boundary treatments, the occupiers of the proposed dwelling would not be exposed to an unreasonable level of overlooking. Two of the four bedrooms proposed would only be provided with high level windows which would not be ideal but reducing the sill height level of these windows would potentially have a detrimental impact on the building as a heritage asset and increase opportunities for overlooking of existing, neighbouring properties. Overall it is considered that the quality of life for the occupiers of the proposed dwelling would be satisfactory, in compliance with Policy D1 of the LDP.

5.8 Nature Conservation

- 5.8.1 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.
- 5.8.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.8.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.8.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.

- 5.8.5 Policy N2 states that, any development which could have an adverse impact 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. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.8.6 The application is accompanied by a Bat Mitigation Plan (also submitted for approval as part of application 21/05083/DET). As part of this document, it is stated that there are bat roosts within the existing building and that, therefore, a Natural England (NE) mitigation licence would be required for any works affecting the roosts. The Mitigation Plan includes the following precautionary measures: the provision of alternative bat roosts during construction (bat boxes on trees at the site), the consultant ecologist giving pre-works talks to the site workers, pre-works checks being carried-out on the location of roosts, bats being excluded from the existing roosts during construction, there being an appropriate lighting strategy and roofing materials used being compatible with bat roosts. The provision of four integral 'bat tubes' or similar within the external walls and/or roof structure of the converted building forms part of the Plan.
- 5.8.7 Essex County Council Ecology (ECC) has raised no objections to the proposal subject to the relevant financial contribution towards the Recreational disturbance Avoidance and Mitigation Strategy (RAMS) being secured and the imposition of conditions requiring the development to be carried-out in accordance with the Bat Mitigation Plan, biodiversity enhancements and a wildlife sensitive lighting scheme.
- 5.8.8 A completed Unilateral Undertaking securing the relevant financial contribution towards RAMS has been submitted.
- 5.8.9 Based on the above, subject to the imposition of conditions as recommended by ECC Ecology, it is considered that the proposal would not have an adverse impact on nature conservation interests, in compliance with the NPPF and Policies S1, S8, D1, N1 and N2 of the LDP.

5.9 Other Matters

- 5.9.1 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out.
- 5.9.2 Building recording, to the satisfaction of Essex County Council Archaeology (ECC), has already been carried-out and approved as part of application references 21/05090/DET and 21/05083/DET. Therefore, it is considered that the issue of archaeology has already been addressed and no further requirements are necessary as part of the current application.
- 5.9.3 The Specialist - Environmental Health has recommended that a condition is imposed requiring details of foul drainage to be submitted. Satisfactory surface water and foul drainage details have since been submitted. Therefore, the issue of drainage has been adequately dealt with, in compliance with Policy D5 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **21/00647/LBC** Works associated with conversion of barn into one residential dwelling. Approved

- **18/00305/FUL** and **18/00306/LBC** Conversion of barn into one residential dwelling with alterations and a new car port. Approved
- **21/05083/DET** - Compliance with conditions notification 18/00305/FUL (Conversion of barn into one residential dwelling with alterations and a new car port.) Condition 3 - Samples. Condition 4 - Surface water and foul drainage schemes. Condition 5 - Ecological mitigation measures. Condition 6 - Archaeological assessment. Condition 7 - Implementation of a programme of archaeological recording. Condition 8 - Tree protection method statement. Partly approved (conditions 3, 5, 6, 7, 8)/partly refused (condition 4)
- **21/05090/DET** - Compliance with conditions notification 18/00306/LBC (Conversion of barn into one residential dwelling with alterations and a new car port.) Condition 3 - Samples. Condition 4 - Archaeological assessment. Condition 5 - Archaeological recording. Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Council Highways (ECC)	No objections subject to the public's rights and ease of passage over public footpath 2 (Maldon) being maintained free and unobstructed at all times.	Noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	No objection subject to the imposition of conditions relating to boundary treatment and photographs of the roof tiles to be used	Noted – refer to sections 5.3 and 5.4 above
Arboriculturalist	No response but commented on the previous proposal as follows: The tree report provides details on the quality of the trees and their constraints. As no details have been provided as to how the work could actually impact on the trees and how the constraints will	A condition requiring these additional details was imposed on the previous planning permission and details have since been approved (21/05083/DET) – refer to section 5.3 above

Name of Internal Consultee	Comment	Officer Response
	be worked around, a condition to provide a detailed tree protection method statement that demonstrates how the works will be achieved, should be imposed.	
Essex County Council Ecology (ECC)	No objections subject to a financial contribution towards RAMS being secured and conditions being imposed.	Noted – refer to section 5.8 above
Specialist - Environmental Health	No objections subject to drainage details being approved; and informatives	Noted – refer to section 5.9 above. Satisfactory details of surface water and foul drainage have since been submitted.

7.4 Representations received from Interested Parties

7.4.1 No letters of representation were received for this application.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 1609.sur03
 - 1609.sur04
 - 20951/01 Rev.A - SITE LOCATION PLAN
 - 20951/02 - SITE BLOCK PLAN
 - 20951/03 - EXISTING ELEVATIONS
 - 20951/04 - PROPOSED ELEVATIONS
 - 20951/05 - PROPOSED FLOOR PLANS AND SECTIONS
 - 20951/06 existing floor joist removal for staircase
 - CR_CRPS_MB_A - Details of conservation rooflights
 - 20951/C/10 cart lodge floor plans
 - 20951/C11 cart lodge elevations
 - 20851/C/01 Rev.B
 - Klargester BioDisc Domestic Sewage Treatment Plant brochure
 - Diagram 1 Drainage Field
 - Details previously approved under application reference 21/05083/DET.REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use on site, photographs of the roof tiles to be used for the cart lodge hereby permitted, and details of their source, shall be submitted to and

approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON In the interest of the character and appearance of the area and the listed building in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 The dwelling hereby permitted shall not be occupied until the proposed means of surface water and foul drainage has been provided. The development shall be retained in accordance with the approved details thereafter.

REASON To ensure appropriate drainage at the site in accordance with Policy D5 of the Maldon District approved Local Development Plan.

- 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation Plan (EECOS, March 2021).

REASON To conserve and enhance protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and in accordance with Policy N2 of the Maldon District approved Local Development Plan and the NPPF.

- 6 Prior to the occupation of the dwelling hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures 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 enhance Protected and Priority Species and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy N2 of the Maldon District approved Local Development Plan and the NPPF.

- 7 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 approved 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 allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), and Policy N2 of the Maldon District approved Local Development Plan and the NPPF.

- 8 The public's rights and ease of passage over public footpath 2 (Maldon) shall be maintained free and unobstructed at all times.

REASON In the interests of the safety and convenience of users of the public footpath in accordance with Policy T2 of the Maldon District approved Local Development Plan.

- 9 No fencing, walls, gates or other means of enclosure shall be erected within the site unless details have first been submitted to and gained the prior written approval of the local planning authority.

REASON In the interest of the character and appearance of the area and the setting of the listed building in accordance with policies D1 and D3 of the Maldon District approved Local Development Plan and guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. 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.
2. 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.
3. Waste Management - 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.
4. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath 2 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
5. 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