

04 November 2025



Princes Road  
Maldon  
Essex CM9 5DL

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APOLOGIES: Committee Services  
Email: [Committee.clerk@maldon.gov.uk](mailto:Committee.clerk@maldon.gov.uk)

CHIEF EXECUTIVE  
Doug Wilkinson

Dear Councillor

You are summoned to attend the meeting of the;

**SOUTH EASTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 12 NOVEMBER 2025 at 7.30 pm**

in the **Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch, Essex, CM0 8JA.**

Please Note: All meetings will be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can do so via Microsoft Teams.

To register your request to speak / attend in person please complete a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully

Chief Executive

**COMMITTEE MEMBERSHIP:**

CHAIRPERSON	Councillor V J Bell
VICE-CHAIRPERSON	Councillor A Fittock
COUNCILLORS	M G Bassenger D O Bown A S Fluker L J Haywood W J Laybourn M G Neall R G Pratt U G C Siddall-Norman W Stamp, CC



**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**WEDNESDAY 12 NOVEMBER 2025**

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1. **Chairperson's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (To Follow)

To confirm the Minutes of the meeting of the Committee held on 15 October 2025 (copy to follow).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **25/00364/FULM - Mangapps Store, Maldon Road, Burnham-on-Crouch** (Pages 7 - 18)

To consider the report of the Director of Place, Planning and growth (copy enclosed, Members' Update to be circulated)\*.

6. **Tree Preservation Order (TPO) 05/25 - Land Adjacent to 17 Brickwall Close – Burnham-on-Crouch** (Pages 19 - 26)

To consider the report of the Director of Place, Planning and Growth (copy enclosed).

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

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**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
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](http://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, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

## DISTRICT AND AREA PLANNING COMMITTEE 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 Development Plans and Other Material Considerations:

### Statutory Development Plans

- [Maldon District Local Development Plan 2014-2029](#) - approved by the Secretary of State 21 July 2017
- [Burnham-On-Crouch Neighbourhood Development Plan](#) (Made 7 Sept 2017)
- [Wickham Bishops Neighbourhood Development Plan](#) (Made 30 June 2021)
- [Langford and Ulting Neighbourhood Development Plan](#) (Made 31 March 2022)
- [Great Totham Neighbourhood Development Plan](#) and [Village Design Statement](#) (Made 6 July 2022)
- [Mayland Neighbourhood Plan](#) (Made 25 September 2025)
- [Essex and Southend on Sea Waste Local Plan](#) 2017
- [Essex Minerals Local Plan](#) 2014

### Other Material Considerations

#### Legislation

- [The Town and Country Planning \(Use Classes\) Order 1987](#) (as amended)
- [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](#)
- [Human Rights Act 1998](#)
- [The Planning and Compulsory Purchase Act 2004](#) (as amended)
- [The Town and Country Planning \(Control of Advertisements\) \(England\) Regulations 2007](#)
- [Localism Act 2011](#)
- [The Planning Act 2008](#)
- [Marine and Coastal Access Act 2009](#)
- [Equality Act 2010](#)
- [The Community Infrastructure Levy Regulations 2010](#) (as amended)
- [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#)
- [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](#)
- [The Town and Country Planning \(General Permitted Development\) Order 2015](#) (as amended)

- [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)
- [Housing and Planning Act 2016](#)
- [The Self-build and Custom Housebuilding Regulations 2016](#)
- [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#)
- [Neighbourhood Planning Act 2017](#)
- [The Town and Country Planning \(Brownfield Land Register\) Regulations 2017](#)
- [The Conservation of Habitats and Species Regulations 2017](#)
- [Environment Act 2021](#)
- [Levelling Up and Regeneration Act 2023](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Consequential Amendments\) Regulations 2024](#)
- [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024](#)
- [The Biodiversity Gain \(Town and Country Planning\) \(Modifications and Amendments\) \(England\) Regulations 2024](#)

#### National Planning Policy

- [National Planning Policy Framework \(NPPF\)](#)
- [Planning Policy for Travellers Sites 2024](#)
- Written Ministerial Statements – as / if referred to in the report
- Government Circulars – as / if referred to in the report

#### Guidance, Supplementary Planning Documents (SPD) and Design Statements

##### *National-scale*

- [National Planning Practice Guidance](#)

##### *Sub-Regional / Essex-scale*

- [Essex and South Suffolk Shoreline Management Plan \(SMP\)](#) - October 2010
- [South East Inshore Marine Plan](#) - June 2021
- [The Essex Design Guide](#)

##### *District-scale*

- [North Heybridge Garden Suburb Strategic Masterplan Framework – 2014](#)
- [Maldon District Design Guide SPD 2018](#)
- [Maldon and Heybridge Central Area Masterplan SPD – 2017](#)
- [South Maldon Garden Suburb Strategic Masterplan Framework SPD – 2018](#)
- [Maldon District Vehicle Parking Standards SPD – 2018](#)
- [Maldon District Renewable and Low Carbon Technologies SPD – 2018](#)
- [Maldon District Specialist Needs Housing SPD – 2018](#)
- [Maldon District Affordable Housing and Viability SPD – 2018- amended 2019](#)
- [Maldon District Green Infrastructure Strategy SPD - 2019](#)
- [Essex Coast Recreational Disturbance Avoidance Mitigation Strategy \(RAMS\) SPD - 2020](#)
- [North Quay Development Brief SPD - 2020](#)
- [Maldon District Five Year Housing Land Annual Supply Statement – May 2024](#)

### *Local-scale*

- [Heybridge Basin Village Design Statement – 2007](#)
- [Althorne Village Design Statement - 2015](#)
- [Woodham Walter Village Design Statement – 2017](#)

### *Maldon District Local Development Plan Review Evidence Base*

- Various Conservation Area Appraisals
- [Maldon District Viability Study 2020](#)
- [Maldon District Economic Study 2020](#)
- [Maldon District Local Housing Needs Assessment 2021](#)
- [Maldon District Nature Conservation Study 2022](#)
  - [Assessment of Selected Sites](#)
  - [Maldon District Local Wildlife Sites Register 2022](#)
  - [Maldon Wildlife Sites Ratification Letter 2024](#)
- [Maldon District Rural Facilities Survey and Settlement Pattern 2023](#)
- [Maldon District Housing and Economic Land Availability Assessment \(HELAA\) 2023](#)
- [Maldon District Employment Land and Premises Study 2024](#)
  - [Appendix G](#)
  - [Appendix H](#)
  - [Appendix I](#)
  - [Appendix J](#)

All Background Papers are available for electronic inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during [opening hours](#).



**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
12 NOVEMBER 2025**

<b>Application Number</b>	<b>25/00364/FULM</b>
<b>Location</b>	Mangapps Store, Maldon Road, Burnham-on-Crouch
<b>Proposal</b>	Change of use from an agricultural building to Class B8 (storage and distribution)
<b>Applicant</b>	Mrs. E. Wilsden – Farrow & Wilsden
<b>Agent</b>	Tim Farley – Copesticks Ltd
<b>Target Decision Date</b>	04.07.2025
<b>Case Officer</b>	Devan Hearnah
<b>Parish</b>	<b>BURNHAM-ON-CROUCH NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

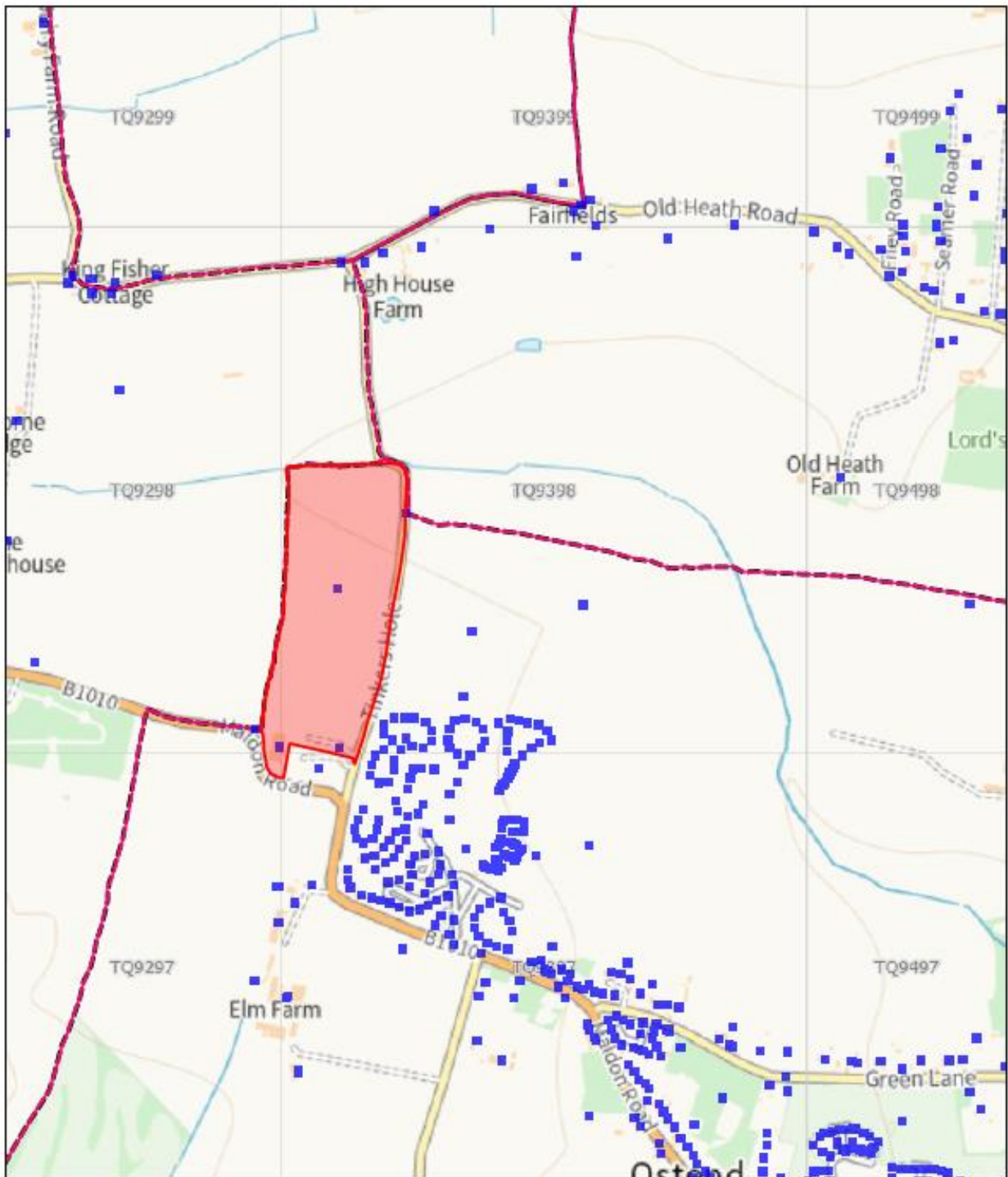
**1. RECOMMENDATION**

**APPROVE** subject to the conditions listed in Section 8 of this report, and provided that no new representations raising additional material considerations are received before the public consultation period expires.

**2. SITE MAP**

Please see below.

25/00364/FULM



10/29/2025, 8:52:57 AM

1:10,000  
0 480 920 1,840 ft  
0 140 280 560 m

For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with permission of Ordnance Survey on behalf of His Majesty's Stationary office © at Crown Copyright.



### **3. SUMMARY**

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

##### Site Description

- 3.1.1 The application site is located on the northern side of Maldon Road and the western side of Tinkers Hole, outside of the defined settlement boundary. The site comprises a large grain barn and lies adjacent to reservoir, a covered water storage Reservoir operated by Essex and Suffolk Water. Access is taken from Tinkers Hole Lane, on the eastern side of the application site.

##### The Proposal

- 3.1.2 Planning permission is sought for the change of use of an agricultural building to Use Class B8 (storage and distribution).
- 3.1.3 The proposal also includes building operations involving the installation of an aluminium door on the principal elevation, two to the rear elevation and two high level square windows on the flank elevation serving a W.C and office.

#### **3.2 Conclusion**

- 3.2.1 The proposed change of use would meet the requirements of Policy E4 and would result in an employment use that, subject to conditions, would not be materially harmful to the locality, adjoining properties or highway safety. As such, the development is in line with the stipulations of policies S1, S8, D1, D2, E1, E4, H4, N2, T1 and T2 of the approved Maldon District Local Development Plan (LDP) and the national policy and guidance contained within the National Planning Policy Framework (NPPF).

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

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

#### **4.1 National Planning Policy Framework 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
- 56 – 59 Planning conditions and obligations
- 85 – 89 Building a strong, competitive economy.
- 109 – 118 Promoting sustainable transport
- 131 – 141 Achieving well-designed places
- 161 – 182 Meeting the challenge of climate change, flooding and coastal change
- 187 – 201 Conserving and enhancing the natural environment

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

- S1 Sustainable Development

- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- E4 Agricultural and Rural Diversification
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

#### **4.3 Burnham-on-Crouch Neighbourhood Development Plan**

- Policy S2 Strategic Employment Growth

#### **4.4 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The application site lies outside of any defined development boundary where policies of restriction apply. However, the building is already on site and was erected as an agricultural building. The NPPF encourages Local Planning Authorities (LPAs) to promote a strong rural economy through, among others, the diversification of agricultural businesses. Furthermore, the NPPF urges LPAs to support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

5.1.2 Further to the above, Policy S8 supports employment generating proposals that are in accordance with Policy E1 of the approved LDP states that:

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

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

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

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

- 5.1.4. With regard to criterion (a), the submitted Planning Statement states that the need is justified on the basis that the recently published Annual Monitoring Report acknowledges that only one allocated employment site has been completed and three have yet to commence. Therefore, evidencing a district-wide shortfall in employment land provision against the adopted allocations. Furthermore, it must be noted that there is an extant Prior Approval permission (25/00571/PADOT) for 80% of the building to be used as B8. Therefore, taking a reasonable stance, it is accepted that it would be a functional requirement for 100% of the building to be used for this purpose.
- 5.1.5 In respect of criterion (b) the Planning Statement suggests that the rental income generated from the proposal would allow further investment into the growing vineyard business. On this basis it is believed that the development will contribute to the viability of the agricultural business as a whole.
- 5.1.6 The application building does not hold any historic or architectural significance and given that the building already exists, the change of use and minor building operations proposed to the fenestration would not impact negatively on wildlife or the natural environment.
- 5.1.7 Criterion (e) refers to a matter that could potentially be controlled with a condition if planning permission would be granted. Criterion (f) is considered to be met as the scale of the businesses that can be accommodated to these buildings is highly unlikely to lead to detrimental dispersal of activity to such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.
- 5.1.8 Bearing in mind the above analysis, that support towards businesses in rural areas is prominent within the LDP and the NPPF and that there is a fallback position for 80% of the building to be used as B8 storage (established under permitted development rights), supporting the thrust of the national and government policy to encourage the change of use of agricultural buildings to employment uses, the principle of the development is acceptable.
- 5.1.9 Other material planning considerations are discussed in the following sections of the report.

## **5.2 Design and Impact on the Character of the Area**

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

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 of the LDP and is found within the MDDG.
- 5.2.3 Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations. In addition, Policy E4 of the LDP, refers to the impact of the development upon the character of the building, the natural environment and the visual amenity of the area.
- 5.2.4 The proposed alterations to the exterior of the building involve minor additions in the form of openings. Given the minor nature of the building operations that would not materially alter the appearance of the existing building. Therefore, no objection is raised.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.3.2 The closest Noise Sensitive Receptor to the site is Burnham Waters, a retirement community currently being developed to the west of the site. The application has been supported by a Noise Impact Assessment (NIA) which notes that the proposed use of the site would not be too dissimilar to the current agricultural activities that occur at the site in terms of noise impacts. Furthermore, given the proximity to the B1010, it is predicted that the noise levels within the vicinity are unlikely to elevate the overall  $L_{Aeq}$  and the World Health Organisation (WHO) recommended external daytime level of 50 dB  $L_{Aeq, 16h}$  is also unlikely to be exceeded by activities from the site. No objection to the application has been raised by the Council's Environmental Health team.
- 5.3.3 In consideration of the above and considering the extant permission at the site, there is no objection in terms of noise impacts.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The application has been supported by a Transport Statement (Ref: 1145-TS-02-0). The site has existing accesses off Tinkers Hole Road to the east and Maldon Road to the west. The proposed change of use would exclusively use the eastern access to Tinkers Hole Road. The number of vehicle trips generated by the development is minimal, creating no more than one vehicle trip during the morning and evening peak periods. Therefore, the impact on the local road network would be negligible.

5.4.3 Having been consulted, the highway authority advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

5.4.4 In terms of parking, the Maldon District Adopted Vehicle Parking Standards states that one parking space should be provided for every 150m<sup>2</sup> of floor space. The application building has 1180m<sup>2</sup> of floorspace, creating a requirement of eight parking spaces. The submitted block plan shows designated space for two vehicles which is a significant shortfall. However, given the size of the hardstanding on the western side of the building, it is accepted that the site could accommodate eight parked vehicles. Therefore, no objection is raised.

## **5.5 Flood Risk**

5.5.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

5.5.2 The application has been supported by a Flood Risk Assessment (FRA). Given that the proposed change of use will not increase areas of impermeable surfacing, it will therefore, not increase flood risk elsewhere. Furthermore, the site is entirely within Flood Zone 1 and presents a low risk of flooding. Therefore, there is no objection in terms of flood risk.

## **5.6 Contamination**

5.6.1 As set out in the Officer's Report for the extant Prior Approval, the LPA has no record of contamination within the application site. The submitted contaminated land reports advised that based on the preliminary assessments undertaken within this report and the proposed development plans, no further investigations or remedial action are considered necessary.

5.6.2 Having been consulted, the Environmental Health team raised no objection.

## **6. ANY RELEVANT SITE HISTORY**

- **06/01134/FUL** - To build a grain store. Approved
- **12/00867/FUL** - The positioning of a site caravan. Refused
- **13/05040/DET** - Compliance of conditions notification FUL/MAL/12/00867 (The positioning of a site caravan) Condition 6 Drainage scheme. Condition Discharged
- **16/01109/FUL** - Renewal of planning permission for a caravan for a security officer to show a local presence in the area to detour theft (previous planning FUL/MAL/12/00867). Refused
- **19/00969/FUL** - Temporary security caravan with security officer for 3 years. Appeal Dismissed.
- **24/00571/PADOT** - Proposed change use from agricultural grain store to Storage and Distribution (Use Class B8 Storage and Distribution). Prior Approval Granted.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils** *(summarised)*

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	No objection but raise the following comment: <ul style="list-style-type: none"><li>Concerns regarding movements of larger distribution vehicles into and out of the site subject to highways consultation.</li></ul>	Addressed at section 5.4 above.

### **7.2 Statutory Consultees and Other Organisations** *(summarised)*

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Cadent Gas Network	There is a 4 inch ST IP pipeline in the works are which will need to be protected at all times and the easement must not be encroached upon or crossed over. Nothing should be placed or stored on or over the pipelines or easements.	Noted informative included below.
Local Highway Authority	No objection subject to a condition requiring that there is no unbound material within 10 metres of the highway boundary.	The proposal does not require any alterations to the access. Therefore, this condition is not necessary or relevant to the development.

### **7.3 Internal Consultees** *(summarised)*

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection or comments	Noted

### **7.4 Site Notice / Advertisement**

- 7.4.1 The application was advertised by way of two site notices placed at eye level on the entrance gates on Tinkers Hole and Maldon Road. The site notices have an expiry date of 14 November 2025. A newspaper ad was also placed in the local paper, expiring on 13 November 2025.

### **7.5 Representations received from Interested Parties**

- 7.5.1 No letters of representation have been received to date.

## 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 approved plans as set out by the Decision Notice.  
REASON: To ensure that the development is carried out in accordance with the details as approved.  
  
The materials of the windows and doors hereby approved shall be as specified on plan 0826 10D.  
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 3 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes falling within Use Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.  
REASON: In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with policies S1, S8, D1, D2, N2, T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 5 No machinery shall be operated, nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 08:00 hours and 17:30 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 6 With the exception of a forklift used in association with the deliveries on site, no machinery shall be used outside the buildings.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 7 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with policies S1, S8, D1, D2 and N2 of the adopted

Maldon District Replacement Local Plan and guidance contained in the NPPF.

- 8 No external illumination shall be installed or fitted to any part of the site except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers, the natural environment and the character and appearance of the area in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 9 No retail or wholesale sales shall operate from the site.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 10 No goods, materials, plant, machinery, skips, containers, packaging or other similar items associated with the use hereby permitted shall be stored or kept outside of the building on site.  
REASON: In order to ensure the protection of the amenities of adjacent occupiers and the natural environment in accordance with policies S1, S8, D1, D2 and N2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 11 Prior to the first operation of the building for B8 purposes provision shall be made upon the hardstanding to the west of the application of the application site for a parking area for eight (8) vehicles and adequate turning space. The parking spaces shall be marked and retained for parking of vehicles in association with the B8 use hereby approved in perpetuity.  
REASON: In order to ensure there is sufficient parking on site in accordance with policies T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the NPPF.
- 12 Prior to the first operation of the building, the foul drainage must either be connected to mains drainage or a small sewage treatment plant of adequate capacity for the operation. Any small sewage treatment plant installed must discharge treated effluent in a manner which complies with the "General binding rules: small sewage discharge to the ground" guidance at the time of installation.  
REASON: To ensure the adequate provision of foul water drainage in accordance with Policy D5 of the Maldon District Local Development Plan (2017).

#### **APPLICATION PLANS / DOCUMENTS:**

##### **Application Plans:**

- 0826/11E – Block Plan
- 0826/10D – Proposed Elevations
- 0826/09E – Proposed Floor Plan
- 0826/07 – Existing Elevations
- 0826/06 – Existing Floor Plan



- 0826/04C – Location Plan

#### **Application Documents**

- Planning Statement (Copesticks Planning Consultancy)
- Noise Assessment (Ref: 403.065515.00001 Rev 03, SLR 7 March 2025)
- Flood Risk Assessment (Ref: 1145-FRA-02-0 Rev 0, MAC Pre-Planning Engineering March 2025)
- Preliminary Investigation Report (Ref: STW6540-R01-Rev\_A, Soiltechnics June 2024).
- Transport Statement (Ref: 1145-TS-02-0 Rev 0, MAC Pre-Planning Engineering March 2025)

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**REPORT of  
DIRECTOR OF PLACE, PLANNING AND GROWTH**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 NOVEMBER 2025**

<b>Application Number</b>	<b>TREE PRESERVATION ORDER (TPO) 05/25</b>
<b>Location</b>	Land Adjacent to 17 Brickwall Close – Burnham-on-Crouch
<b>Proposal</b>	Confirmation of TPO 05/25
<b>Applicant</b>	Mrs Dee Thornton
<b>Target Decision Date</b>	24 December 2025
<b>Case Officer</b>	Hayley Sadler
<b>Parish</b>	<b>BURNHAM ON CROUCH</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's Scheme of Delegation.

**1. RECOMMENDATION**

**CONFIRM Tree Preservation Order (TPO) 05/25** without any modifications.

**2. SITE MAP**

Please see below.

### T1 – Stone Pine

**TPO 05/25**



### **3. SUMMARY**

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

- 3.1.1 In May 2025 an email was received by the Council from a neighbour within Brickwall Close, requesting that the Stone Pine tree located within the land adjacent to No.17 Brickwall Close is protected by a Tree Preservation Order (TPO). The reason for the request was that there was a concern that the tree was going to be felled. As the tree is large and provides roosting and nesting for numerous birds, the requester considered it would warrant being protected.
- 3.1.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is the nationally accepted system of scoring the amenity value of a tree, was carried out by the Council's Arboricultural Consultant. The TEMPO assessment scored the tree 15 out of 25 and concluded that a TPO was defensible on the tree. Therefore, a TPO was served as a provisional order on 24 June 2025, which must be confirmed within six months to become permanent and thus continue the tree's protection.
- 3.1.3 One letter of objection has been received from the owner of the land adjacent to 17 Brickwall Close
- 3.1.4 The objection remains unresolved; therefore, the question of whether or not to confirm the TPO has been brought before Members to determine.
- 3.1.5 For the purposes of the report going forwards, the tree (Stone Pine) subject to this report will be referred to as T1.

#### **3.2 The Site**

- 3.2.1 T1 (as identified in the TPO) is located on the northern side of Brickwall Close, within the settlement boundary of Burnham on Crouch. The application site itself is a piece of land adjacent to No.17 Brickwall Close, which is currently occupied by a detached garage building, T1 is located towards the rear of the application site.

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

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

#### **4.1 Relevant Planning Guidance/Documents**

- National Planning Policy Guidance (NPPG).

#### **4.2 Other Relevant Guidance:**

- Wildlife & Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2017

#### **4.3 Government Guidelines:**

- 4.3.1 Government guidelines advise that the Local Planning Authority (LPA) is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to confirm TPO 05/25, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:

1. That the TPO is not within the powers of the Act, or
  2. That the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO was confirmed.

## **5. MAIN CONSIDERATIONS**

- 5.1 T1 is situated to the rear of the site and, due to its size and position, is visible from within the public realm of both Brickwall Close and Western Road and therefore provides high visual amenity.
- 5.2 NPPG states (Paragraph 10 reference ID: 36-010-21040306) *'It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.'*
- 5.3 T1 is not located within a Conservation Area, and therefore does not have a fall back protection from any works being undertaken. An application was submitted in July 2025 to carry out a *'Crown reduction by 4m, specifically targeting an over-extended lateral limb that overhangs the adjacent public footpath. Removal of all deadwood'*. The application was subsequently refused as the *'The proposed works to the T1 (Stone Pine) tree have not been sufficiently justified and would not follow Arboricultural best practice in line with the recommendation of BS3998:2010 'Tree Works'*.
- 5.4 In the interest of protecting this prominent landscape feature and the amenity value of the tree within the locality, the T1 was assessed using the TEMPO which is designed as a guide to decision making and stands as a record that a systematic assessment has been undertaken. The TEMPO considers all of the relevant factors in the TPO decision making chain including amenity assessment, expediency assessment and decision guide. Within the assessment T1 scored 'good' for the suitability of a TPO for amenity due to its size and location which is visible within the public realm of Brickwall Close and Western Avenue. The assessment showed the tree to be in good condition. The expediency assessment reflected the immediate threat to the tree, that is could possibly be removed by the owners of the land. T1 scored an overall total 15 out of 25 which means that a TPO is defensible on the tree.
- 5.5 It is worth noting that the guidance provided alongside the TEMPO assessment acknowledged that the reason for serving the TPO can be quite minor (precautionary only).
- 5.6 It should be noted that the TPO would not prevent future works to the trees from being carried out, however it would control any such works to ensure that they were suitable, justified and did not harm the health of the trees or the amenity value they offer to the surrounding area.

## 6. **ANY RELEVANT SITE HISTORY**

- **25/00695/WTPO** - (TPO 05/25) T1 Stone Pine - Crown reduction by 4m, specifically targeting an over-extended lateral limb that overhangs the adjacent public footpath. Removal of all deadwood. – Refused 25.09.2025

## 7. **REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Interested Parties** (*summarised*)

- 7.1.1 One letter was received **objecting** to the TPO 05/25 and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
<p>There are ongoing maintenance and safety concerns for the tree as it is a mature tree that has grown considerably in recent years. There are several branches which extend over the roofs of the neighbouring garages and pose a risk of structural damage or injury to anyone, particularly during storms or high winds.</p> <p>Advice was sought from a qualified tree surgeon confirming that the tree requires reduction to manage its size.</p>	<p>The serving of a TPO still allows for appropriate works to be applied for.</p>
<p>The tree has limited amenity value within its setting, it is set to the rear of the application site and is removed from any public vantage point.</p> <p>The tree is tucked away and is surrounded by residential properties.</p>	<p>The tree has amenity value within Brickwall Close and to the properties to the north located on Western Road. The tree can be seen from Western Road, albeit between properties but due to its size, it is visible.</p>
<p>In 2024, neighbouring residents removed substantial portions of the trees without permission or prior notification, this would suggest that it is a nuisance or potential to hazard.</p>	<p>The tree is not located within a designated Conservation Area and has not previously been protected by way of a TPO. Therefore, if parts of the tree overhang their boundaries due to a lack of maintenance then these works would not have been required to seek permission from the Council.</p>
<p>The proposed TPO does not reflect the realities of the site and the risk posed. Due to the size of the tree and the overhanging branches, imposes the TPO introduces significant delays and complications to the maintenance worked deemed necessary by the tree surgeon when the tree was assessed.</p>	<p>The tree has been assessed by the Council's arboriculture consultants at Place Services who have deemed the tree worthy of a TPO, a visit to the site has been undertaken a number of times and the location and size of the tree is reflected in the photographs below.</p> <p>Furthermore, as noted above the serving of a TPO does not prevent appropriate works being submitted as part of a tree works application and would allow for any works necessary to</p>

Objection Comment	Officer Response
	<p>be undertaken to overcome any safety concerns.</p> <p>Also, if the tree were to become dangerous, a 5-day notice for dead &amp; dangerous trees can be submitted and reviewed which would allow for essential works to be carried out to mitigate any danger to property or persons.</p>

## 8. **CONCLUSION**

- 8.1 T1, subject of the TPO, makes a contribution to the character and appearance of the surrounding area due to its size and location. Given that the TEMPO assessment scored 15 for the tree, which is defensible in the merits of serving a TPO, it is considered that the TPO should be confirmed to prevent the felling of the tree or inappropriate works being carried out which could harm the amenity value and overall health of the tree.

### Photographs of the Stone Pine Tree (T1)

From Brickwall Close





From Brickwall Close (continued)



From Western Avenue



From Western Avenue (continued)

