



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

Application Number	FUL/MAL/18/00305
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Conversion of barn into one residential dwelling with alterations and a new car port.
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Departure from Local Development Plan 2017

Application Number	LBC/MAL/18/00306
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Works associated with conversion of barn into one residential dwelling with alterations
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Linked to FUL/MAL/18/00305

1. RECOMMENDATION

FUL/MAL/18/00305:

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

LBC/MAL/18/00306:

GRANT LISTED BUILDING CONSENT subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Barn At Maldon Wycke Spital Road Maldon
FUL/MAL/18/00305 & LBC/MAL/18/00306



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 2014



www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee
Date:	16/05/2018
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 newly 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 five 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 works associated with the conversion of the barn into a three / four bedroom residential dwelling. The ground floor layout would generally be open plan but would include a study / 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 weatherboard 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). The first floor of the building would be used as a workshop / office, accessed via an external staircase.
- 3.1.6 Listed building consent is sought for works associated with the conversion of the barn into a three / four bedroom residential dwelling.
- 3.1.7 The application is accompanied by a Design and Access Statement, which includes a Heritage Asset Statement.
- 3.1.8 A Phase 1 Habitat Survey and Protected Species Scoping Assessment dated June 2016 for a different part of Maldon Wycke has been submitted. The report did not raise any adverse issues in relation to habitats and protected species. However, a Bat Survey dated March 2018 has also been submitted which identifies the barn as being likely to be a small maternity roost of high conservation importance at local level. The report concludes that, without mitigation, the proposed development would destroy a bat roost and may harm and disturb bats; Natural England would need to approve the mitigation and issue a site licence for bats for the proposed development to proceed legally. The bat species which would be affected include brown long-eared bats and soprano pipistrelle bats (both UK priority species) as well as common pipistrelle bats. The mitigation referred to would cover minimisation of the use of external lighting, retention of existing mature trees nearby, provision of bat boxes on the barn and a nearby tree, development works commencing in October outside the

main breeding season and before hibernation commences, and creation of a bat loft inside the barn for brown long-eared bats. It is also recommended that, to prevent harm to nesting birds, any necessary clearance or reduction of shrubs or trees is conducted outside of the main bird breeding season (March to August inclusive) or, if this timescale is not possible, an ecologist checks the site for active bird nests before vegetation clearance.

- 3.1.9 A Tree Survey has also been submitted: four trees and one group of trees were surveyed due to their proximity to the barn. The survey concludes that, other than the partial removal of a group of woody shrubs to create space for the new garage, the remaining trees can be adequately protected and retained provided special protection measures are implemented.
- 3.1.10 The barn has been marketed to let by Fenn Wright Estate Agents for 17 months to establish whether any other use was feasible / viable e.g. storage, workshop or office. Fenn Wright advise that there has been a modest level of interest but no suitable applicants – in general, the building proved unsuitable for many applicants due to the internal configuration, limited parking and access issues or potential conflict / disturbance to neighbouring properties.

3.2 Conclusion

- 3.2.1 It is considered that the proposal would be 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, ecology or parking / highway safety.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14Presumption in favour of sustainable development
- 17Core Planning Principles
- 47-55Delivering a wide choice of high quality homes.
- 56-68Requiring Good Design
- 126-141Conserving and Enhancing the Historic Environment
- 186-187Decision-taking
- 196-198Determining applications

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

- S1Sustainable Development
- S8Settlement Boundaries and the Countryside
- D1Design Quality and Built Environment
- D3Conservation and Heritage Assets

- H4Effective Use of Land
- T1Sustainable Transport
- T2Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of the planning 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, the quality of life for the occupiers of the proposed dwelling, ecology and parking / highways.

5.2 The only issue which requires consideration as part of the determination of the application for listed building consent is the impact of the proposed works on the Grade II listed building particularly on any features and fabric of architectural or historic interest.

5.3 Principle of Development

5.3.1 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).

5.3.2 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.

5.3.3 The application has been accompanied by a report which explains that the building has been unsuccessfully marketed for non-residential uses.

5.3.4 The site is located outside the settlement boundaries where the creation of new dwellings is largely restricted by policy S8 and as such the proposal is considered to represent a departure from the development plan. However, significant weight can be applied to paragraph 55 of the NPPF, which is a material consideration in the assessment of all planning applications, which states that the erection of dwellings in

the countryside should be avoided unless there are special circumstances. Two of the listed special circumstances are “*where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*” and “*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*”.

- 5.3.5 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of, amongst other matters, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with this conservation.
- 5.3.6 Taking the above into account, no objection to the principle of the conversion of the building to a dwellinghouse is raised, subject to an assessment against other material planning considerations as set out below.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“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”.

This principle has been reflected to the approved Local Development Plan (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.
- 5.4.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.4.4 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.
- 5.4.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.4.6 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 windows, doors and boundary treatment.
- 5.4.7 The proposed residential curtilage would be contained within the immediate vicinity of the building with the majority of the external amenity space located on the building's northern side and would not therefore result in the substantial domestication of the countryside..
- 5.4.8 The proposed car port would be suitably 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 although, based on the advice of the Arboriculturalist, further details of tree protection would be needed which can be required by condition.
- 5.4.9 As a result of the above considerations, 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.

5.5 **Impact on the Listed Building**

- 5.5.1 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.

- 5.5.2 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.
- 5.5.3 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, two 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 first-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 two 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 those at 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.
- 5.5.4 In terms of the impact of the proposal upon the significance of the listed building, the Conservation Officer 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.

- 5.5.5 Concern is raised regarding the impact of the new stairs and the loss of structure proposed. However, the Conservation Officer advises that this concern could be overcome through the imposition of a condition requiring that an accurate plan-drawing is submitted for approval, illustrating precisely how much of the floor structure will be required to be removed. Such a condition, along with a condition requiring details of the rooflights to be used, are to be imposed on the associated listed building consent for the works (reference LBC/MAL18/00306)
- 5.5.6 With respect to the impact of the proposal on the setting of the listed building, the Conservation Officer 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.
- 5.5.7 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.

5.6 Impact on Residential Amenity

- 5.6.1 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 Maldon District Design Guide (2017).
- 5.6.2 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 car port building proposed. 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.
- 5.6.3 The bedroom window facing east and the external staircase to the car port building would also not cause a material loss of privacy to Wycke Court as this window and staircase would face the end of their rear gardens and be angled away from their rear elevations and the main parts of their rear gardens.
- 5.6.4 The proposed car port, whilst being 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 not considered that any increased use of the existing accessway, would not have a material impact in terms of disturbance.
- 5.6.5 On the basis of the above, it is considered that the proposal complies with Policy D1 of the LDP.

5.7 Access, Parking and Highway Safety

- 5.7.1 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.
- 5.7.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.7.3 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 car port. There would be space within the site for the parking of at least three car parking spaces which would comply with the adopted parking standards. 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.

5.8 Quality of Life

- 5.8.1 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 25m² for flats.
- 5.8.2 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 cill 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.
- 5.8.3 The Environmental Health Team (EHT) has advised that, in this particular case, the proposed development is "protected" by existing buildings and is a sufficient distance from the A414 for the occupiers of the proposed dwelling not to be adversely affected by road traffic noise from Spital Road.
- 5.8.4 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.

5.9 Ecology

- 5.9.1 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.
- 5.9.2 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.
- 5.9.3 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).
- 5.9.4 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.
- 5.9.5 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.
- 5.9.6 Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.7 Paragraph 117 goes on to state that "planning authorities should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations".
- 5.9.8 As part of the Bat Survey dated March 2018 submitted, the barn is identified as being likely to be a small maternity roost of high conservation importance at local level for brown long-eared bats and soprano pipistrelle bats (both UK priority species) as well as common pipistrelle bats. However, the report concludes that, with appropriate mitigation, the proposed development (which would destroy a bat roost and may harm and disturb bats) would be acceptable. Details of the mitigation measures could be required by condition (and would also require separate approval from Natural England). The mitigation measures are anticipated to include minimising the use of external lighting, retention of the existing mature trees nearby, provision of bat boxes on the barn and a nearby tree, development works commencing in October outside the main breeding season and before hibernation commences and the creation of a bat loft inside the barn for brown long-eared bats.
- 5.9.9 Subject to mitigation measures being put into place at the appropriate time for bats and nesting birds, 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.

5.10 Other Matters

- 5.10.1 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.
- 5.10.2 Based on the advice of Essex County Council, Archaeology, the application site is located in an area of known archaeological potential but the matter of archaeology could be adequately addressed through the imposition of a condition requiring archaeological assessment and the implementation of an archaeological fieldwork programme.
- 5.10.3 The Environmental Health Officer has recommended that conditions are imposed requiring that details of surface water and foul drainage are submitted. On the basis of this advice, it is considered that the issue of drainage can be adequately dealt with by way of imposition of conditions and the proposal is, therefore, compliant with Policy D5 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/16/00596 and LBC/MAL/16/00508**- Maldon Wycke: Single storey extension and alterations with erection of new open car port, garden wall and garage. Approved 07.09.2016.
- **DET/MAL/17/05081; DET/MAL/17/05070; DET/MAL/17/05026; DET/MAL/17/05027** - Maldon Wycke: Compliance with conditions notifications LBC/MAL/16/00508 and HOUSE/MAL/16/00596 – Cleared.

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 subject to the views of the Conservation Officer.	Noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	No response to planning application but no objection raised to associated LBC/MAL/18/00306 subject to the imposition of a full archaeology assessment and building recording condition.	Noted – see section 5.9 above.
Cadent	No response to planning application but in response to associated LBC/MAL/18/00306 advised that there is equipment in the vicinity of the site (low or medium pressure gas pipes and associated equipment) – recommends an informative is added to any approval.	Noted – the informative is recommended below.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection to either application subject to conditions.	Noted. The comments of the Conservation Officer are discussed at sections 5.4 and 5.5 above.
Arboriculturalist	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 be worked around, a condition to provide detailed tree protection method statement that demonstrates how the works will be achieved, should be imposed.	Noted – refer to section 5.3 above.

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions requiring details of foul and surface water drainage; and informatives.	Noted – refer to section 5.9 above.
Leisure and Liveability	No objection, subject to further details of the mitigation being required by condition and the implementation of the recommendations in the Phase 1 Study with respect to nesting birds.	Noted – refer to section 5.8 above.

7.4 Representations received from Interested Parties (summarised)

7.4.1 No representations were received for these applications.

8. PROPOSED CONDITIONS

FUL/MAL/18/00305:

- 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: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.091609.08, 1609.07, Design and Access Statement, Bat Survey, Phase 1 Habitat Survey and Protected Species Scoping Assessment, Tree Survey.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
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 No development shall take place until details of surface water and foul drainage schemes for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

REASON To ensure appropriate surface water and foul drainage at the site in accordance with Policy D5 of the Local Development Plan.

- 5 No development shall take place until a scheme of ecological mitigation measures in relation to bats has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the mitigation measures. The development shall be undertaken in full accordance with the approved scheme and timetable, and shall be retained in perpetuity in accordance with the approved details.
REASON To ensure that the proposal does not adversely impact on nature conservation interests in accordance with the NPPF and Policies D1, S1, S8, N1 and N2 of the Maldon District Approved Local Development Plan.
- 6 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work.
REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.
- 7 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.
- 8 No development shall take place until a tree protection method statement has been submitted to and approved in writing by the Local Planning Authority. 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 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 listed building in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 10 The car port building hereby permitted shall only be used for purposes incidental to the residential use of the dwellinghouse hereby permitted and no other at any time.

REASON To protect the character and appearance of the rural area, in accord with the NPPF and Policies D1, D3 and H4 of the Maldon District Approved Local Plan.

- 11 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft Landscape Works

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.
The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development 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.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

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

REASON In the interests of the character and appearance of the area and the setting of the listed buildings, in accordance with the NPPF, NPPG and Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan.

- 12 The dwellinghouse hereby permitted shall not be occupied until the proposed parking has been provided in accordance with the approved details.

REASON In order to ensure adequate off-street parking in the interests of highway safety and convenience.

- 13 Prior to the occupation of the dwelling hereby approved, details of the proposed bin/recycling store shall be submitted to and approved in writing by

the Local Planning Authority. Subsequently the approved bin/recycling store shall be provided at the site in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and retained in perpetuity. REASON To ensure that appropriate storage of refuse and in the interests of protecting the character and appearance of the rural area and the setting of the listed buildings, in accordance with the NPPF, NPPG and Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan.

INFORMATIVES:

- 1 The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar. Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturates soils.
- 2 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
- 3 As the building is known or suspected to contain asbestos an appropriate Asbestos Type survey of the buildings must be undertaken by a competent person. The Health and Safety Executive (HSE) must be informed where any works are notifiable under the Control of Asbestos Regulations 2012. Any scheme involving the handling, removal and disposal of any asbestos-containing materials must be done in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.
- 4 It is recommended that the Council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 5 The archaeological work will comprise historic building recording of the building, including the building-frame. All fieldwork should be conducted by a professional recognised historic building specialist in accordance with a brief issued by Place Services, Essex County Council, County Hall, Chelmsford, Essex. CM1 1QH Tel.03330136840
- 6 Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

LBC/MAL/18/00306:

- 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.09, 1609.08, 1609.07, Design and Access Statement.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
REASON In the interest of the listed building in accordance with policy D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited

archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work. The development shall be carried out in accordance with the approved assessment.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 5 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 6 No development shall take place until large-scale plan-drawings of the central bay's first-floor structure, illustrating the extent of the floor structure to be removed in order to accommodate the new stairs, has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

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

- 7 No development shall take place until details of the rooflights to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

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