



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

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**to**

**NORTH WESTERN AREA PLANNING COMMITTEE**

**11 June 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00382</b>
<b>Location</b>	Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted, Essex, CM8 3ER
<b>Proposal</b>	Section 73A application for change of use of redundant agricultural building to light industrial (use class B1) use.
<b>Applicant</b>	Mr Robert King
<b>Agent</b>	-
<b>Target Decision Date</b>	11.06.2018
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>GREAT BRAXTED</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor John V Keyes – The Councillor and others have information about the site.

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Electric-King Limited, Old Orchard Barn, Lea Lane, Great Braxted**  
FUL/MAL/18/00382



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Maldon District Council 100018588 2014

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Scale: 1:4,000

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 18/00382/FUL

Date: 30/05/2018

MSA Number: 100018588

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### **3. SUMMARY**

#### **3.1. Proposal**

- 3.1.1. The application site lies to the north-east of Lea Lane, approximately 1,400m from the village of Wickham Bishops and outside of any defined development boundary. The surrounding area is open and verdant in nature, with hedgerows marking the boundaries of the fields and only scattered development in the vicinity. Access to the site is achieved via a track road off Lea Lane, shared with Broomfield Farm. The track gives access to West Hall Wood complex, a local wildlife site and ancient woodland. The application site is occupied by a single-storey barn. The building is part of the cluster of agricultural buildings under the same ownership behind Broomfield Farm house. The building appears to be of traditional construction in part. There are brick walls which partially have been rendered to the front. The roof is made of asbestos.
- 3.1.2. Planning permission is sought for the change of use of the building from agricultural to a light industrial use falling within use class B1. The development has already commenced on site and as such the application has been submitted under the provisions of Section 73A of the 1990 Act, namely is retrospective in nature. The change of use incorporated internal layout alterations as well as external alterations to the elevations of the building. The external alterations include the insertion of two windows to the rear (north-east) elevation, one window to side (north-west) elevation and the alteration of a door to a window at the front (south-west) elevation. The internal layout includes a storage area, a workshop, an office area with a washroom and a mess/staff room.

#### **3.2. Conclusion**

- 3.2.1. It is not considered that the harm identified from some aspects of the development is detrimental to such a degree as to warrant the refusal of the application. The development has resulted in an employment use which, subject to conditions, is not materially harmful to the locality, the adjoining properties or highway safety and ensures the use of an agricultural building that would otherwise be derelict. 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 and the national policy and guidance contained within the National Planning Policy Framework.

### **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:**

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 18-22 Building a strong, competitive economy
- 28 Supporting a prosperous rural economy
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 186-187 Decision-taking

- 196-198 Determining applications

**4.2. Maldon District Local Development Plan 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 and environmental impact of new development
- E1 Employment
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

**4.3. Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (MDVPS)

**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. Policy E1 of the approved Local Development Plan (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), it has not been demonstrated that there is a justifiable and functional need for the proposal. Nevertheless, from the Valuation Office Agency’s report it appears that a business has operated from this site since 2013 and from the submitted supporting representations that the business has a number of customers. Therefore, criterion (a) is partially met as there is a functional need for the business to operate from somewhere. Criterion (b) cannot be met as there is no agricultural business that the use will contribute to.

5.1.5. In relation to criterion (c), the building is of limited historic or architectural significance. In any case the proposed alterations are limited. As such this criterion is met. Further consideration about the external alterations to the building and their impact upon the character and appearance of the area will be given in the following sections of this report. Criterion (d) refers to the impact upon the natural environment and the wildlife. Given that the use is already taking place for some time, the impact of the development is limited. Further consideration about the impact of the development upon the natural environment and the local wildlife will be given in the following sections of this report.

5.1.6. 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 business that can be accommodated to this building is highly unlikely to lead to detrimental dispersal of activity on such a scale as to prejudice the vitality and viability of existing businesses in nearby towns and villages.

5.1.7. Bearing in mind the above analysis, while the development would not meet all the criteria of policy E4 of the LDP, the support towards businesses in rural areas is prominent within the LDP and the NPPF. Furthermore, the development is for the use of a building which would otherwise remain empty and derelict. Finally, it should be noted that the General Permitted Development Order 2015 as amended allows the change of use of agricultural buildings to employment generating uses, including use class B1. While, a prior approval for this change of use would fail because the use is already taking place, the main thrust of the national and government policy is to encourage the change of use of agricultural buildings to employment uses. This is a consideration that outweighs the fact that the development would not meet all the criteria set in policy E4 of the LDP. Thus the principle of the development is acceptable. 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. 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”.*

5.2.3. This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

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

5.2.5. The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.6. Policy E1 of the LDP states that design is one of the considerations if new provision for employment space or the expansion of existing employment areas is proposed outside the designated employment allocations. In addition policy E4 of the LDP, refers to the impact of the development upon the character of the building, the natural environment and the visual amenity of the area.

5.2.7. The building is of limited architectural merit and as such the proposed alterations would not detrimentally impact upon its historic or architectural significance. Moreover, the building will not be expanded or increased in footprint or in scale. The introduction of the fenestration does not look out of place to a degree that would render the scheme unacceptable. While the inconsistent treatment of the external surfaces creates the appearance of a derelict building, it is noted that this was how the building was left before the use commenced. It would be unreasonable for the LPA to intervene in order to achieve a consistent treatment of the external surfaces of the building.

5.2.8. With regard to the external storage of materials and items, given the open nature of the land it would have the potential to cause harm upon the character and appearance of the area. Therefore, a condition to require any storage of materials and other items to be carried out only inside the building is considered to meet the six tests of the national policy. Given that the site lies within the countryside, a condition to control any external illumination will also meet the six test of the national guidance and would protect the character and appearance of the area.

5.2.9. Overall, subject to the above mentioned conditions, the development is acceptable in terms of its design, scale, layout and its impact upon the character and appearance of the area in line with the relevant local and national policies.

### **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 Maldon District Design Guide (2017).

5.3.2. The nearest dwelling to the application site is the Broomfield Farm house, some 43m to the south of the building on site. Given the distance between the two buildings and the nature of the alterations to the building on site, the development has not caused any harm upon the amenity of the neighbouring occupiers in terms of overlooking, overshadowing or overpowering. Furthermore, a B1 use, subject to appropriately worded conditions to limit the hours of operations and the external lighting of the site, is unlikely to cause any impact upon the residential amenity of the neighbouring occupiers in relation to any type of pollution.

5.3.3. Subject to conditions about the hours of operations and the external lighting of the application site, the development is not considered to be detrimental to the residential amenity of the neighbouring occupiers. The B1 use class is intended to include uses that are compatible with residential uses. Any future use of the site, if planning permission is granted for this application, will need to fall within the use class B1. In any other case planning permission will be required. Therefore, any future use of the building for a B1 use will not be likely to detrimentally impact on residential amenity.

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

5.4.1. Policy T1 of the approved LDP seeks to secure provision of sustainable transport in new development and policy T2 pursues to create and maintain an accessible environment, requiring development proposals to:

- 1) Be located where there is physical and environmental capacity to accommodate the type and amount of traffic generated, or locations where the impact can be suitably mitigated;
- 2) Provide safe and direct walking and cycling routes to nearby services, facilities and public transport where appropriate;
- 3) Improve accessibility to the countryside and the natural environment and to enhance and protect the provision of Public Rights of Way;
- 4) Improve accessibility to buildings, streets and public spaces, particularly for those with mobility impairments;
- 5) Provide sufficient parking facilities having regard to the Council's adopted parking standards;
- 6) Provide sufficient and safe access to service and emergency vehicles; and
- 7) Give appropriate consideration to encourage a people-oriented space within the development.

5.4.2. 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. 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.

5.4.3. The Council's adopted Vehicle Parking Standards state that for a B1 use one space is required for every 30m<sup>2</sup> of the use. The building on site occupies an area of approximately 81.1m<sup>2</sup> and thus, three spaces are required. The block plans shows four parking spaces and as such the parking requirement is easily accommodated within the application site. Furthermore, there is ample turning space within the site and the access arrangements have not been altered as a result of this proposal.

5.4.4. The current use on the site does not require the use of Heavy Goods Vehicles (HGVs). The nature of a B1 use is such that it is highly unlikely that the use of HGVs would be required by any future occupier of the site. Given that the track road leading from Lea Lane to the building on site is also a public footpath which leads to the West Hall Wood, in the unlikely event that a B1 use requires the use of HGVs, this could have detrimental and demonstrable harm upon the highway safety and the use of the footpath. The Highway Authority has not objected to the development but raised the attention of the LPA to the footpath. The use of an appropriately worded condition to limit the deliveries to or collections from the site to be only with non-HGVs or vehicles not exceeding 3,500kg of Maximum Authorised Mass (MAM) would be in line with the national guidance about the use of conditions and would adequately address this matter. A condition about having on-site parking would also meet the national tests.

5.4.5. Subject to the above mentioned conditions, the change of use is acceptable in terms of access, parking and highway safety.

## **5.5. Employment**

- 5.5.1. As already mentioned in the previous sections of this report, the NPPF supports 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. Policy E1 of the approved LDP supports and encourages the development of better quality and flexible local employment space to meet the employment target for the district.
- 5.5.2. The development is in line with the above national and local policy stipulations. The change of use is to an employment space, which will provide employment opportunities for two full-time and two part-time staff. This appears to have created additional employment within the district. The development, subject to appropriately worded conditions and as per the previous analysis, will not be in conflict with other policies of the approved LDP or the NPPF.

## **5.6. Impact on the natural environment**

- 5.6.1. Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.6.2. 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, among others, noise, smell, light, visual impact and pollution of the development. Policy D2 seeks all development to minimise its impact on the environment by incorporating measures to minimise all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.6.3. With regard to the potential pollution caused by the development, it is not considered that this would be to a degree that the refusal of the application would be necessary; some aspects of the development would be able to be controlled by appropriately worded conditions. In more detail, with regard to noise, vibration and odour pollution, by nature, a B1 use should not be too harmful to the natural environment. The control of the hours would provide adequate control over these types of pollution in order to not be detrimental to a degree that would render the use harmful to the natural environment.
- 5.6.4. In relation to any potential pollution on the land, a condition requesting any storage of associated items inside the building would be adequate to protect from any pollution of the soil. Light spillage could be controlled via a condition about the external

lighting on site; internal lighting is not anticipated to create a problem but, in any case, the condition about the hours of operation controls this aspect as well.

5.6.5. Finally, there is some concern over the provision of foul drainage and the potential water pollution that can be caused by poor arrangements. The application form states that there will be a septic tank and the block plan describes a self-contained sewage treatment plant discharging to watercourse. If this is a septic tank, in terms of best practice for public health and in accordance with current Planning Practice Guidance for Water Supply, Wastewater and Water Quality, septic tanks should only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). Regardless of this, the only watercourse near the land appears to be over 100m from the site and this creates some concern about how a treatment plant will discharge into it. An appropriately worded condition to require the details of the foul drainage scheme could alleviate these concerns if permission were to be granted.

5.6.6. The stipulations of policy D2 of the approved LDP includes the requirement for non-residential development to achieve a minimum of BREEAM 'Very Good' rating or be supported by a bespoke assessment that demonstrates appropriate environmental performance results above current Building Regulations requirements. In this instance it would not be practicable to pursue the current rating on the basis the development is already in place for a number of years and Building Control already controls energy efficiency to a certain degree.

5.6.7. It is noted that a small part of the application site – an area at the access track road – is covered by policy N2 of the LDP as a local wildlife site and is part of a designated ancient woodland. Policy N2 of the LDP states that any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. The development is not considered to affect the designated site. The access road is in use by the neighbouring dwelling and was in use when the agricultural business was taking place. Given that HGVs would not be allowed subject to the appropriately worded condition, it is unlikely that a B1 use taking place within 81.1m<sup>2</sup> could generate enough traffic to cause an adverse effect to the conservation or biodiversity value of the designated site.

## **5.7. Sustainability**

5.7.1. Within the NPPF, there is a presumption in favour of sustainable development. This is central to the policy approach in the NPPF, as it sets out the Government's changes to the planning system and emphasizes the need to plan positively for appropriate new development.

5.7.2. Paragraph 14 of the NPPF advises that for decision-taking this means, approving development proposals that accord with the development plan without delay, but where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so should significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF

taken as a whole, or specific policies in the NPPF indicate that development should be restricted.

- 5.7.3. There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The approved LDP through the pre-amble to policy S1 re-iterates the requirements of the NPPF. The sustainability of the proposal has to be considered in terms of the three dimensions of sustainable development as required by the NPPF.
- 5.7.4. With regard to economic benefits, those have been identified to be in relation to employment generation and provision of flexible employment space in line with the NPPF. Any economic benefits arising from the additional construction or repair works required were only for the short-term. Other economic benefits relate solely to the applicant who may benefit from the use of a cheaper site. In relation to social benefits, those are tied to the employment generation. Finally, turning to environmental considerations, any demonstrable harm is limited to the traffic generation. Potential harm from other aspects of the development can be controlled by appropriately worded conditions. There is some environmental benefit from the reuse of an otherwise derelict farm building. It is considered that the identified benefits of the application outweigh its limited disbenefits and thus the development is considered to be sustainable.

## **5.8. Other Material Considerations**

- 5.8.1. Many comments have been received about the fact that the business operating from the site offers good services and is owned by a local person. This is not a material planning consideration. In any case, the grant of planning permission is considered for the use of the site and not for a particular business or a person.
- 5.8.2. A third party mentioned that an Inspector during a public inquiry or when deciding the appeal determined that a commercial use on this land would be harmful. There is no evidence that an Inspector ever made that comment. In any case, the appeals that were determined at a hearing or public inquiry took place more than ten years ago when planning policies were different. Therefore, even if this comment was made at that time, only limited weight can be attributed to it. In addition, there appears to be no such reference in the appeals for the change of use prior approval applications of 2015.
- 5.8.3. Concerns have been expressed by third parties about the potential of a commercial use to expand without the need for further planning permission by the LPA and the potential impact this could have to the amenity of the neighbouring occupiers. It is considered that the proposed condition offer sufficient control over the use of the land. In any case, as stated before, any use that causes harm to the amenity of the area or the natural environment despite the imposed conditions may not fall within the use class B1. Therefore, any such use would not be controlled by this permission if granted and would be unauthorised development in breach of planning control. It should be noted that the use class B1 by definition is a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

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

- **FUL/MAL/94/00119** – Change of use of barn and outbuildings to dwelling and garage, REFUSED 06.04.1994. APPEAL DISMISSED 24.08.1994
- **FUL/MAL/02/00853** – Change of use of barn into holiday accommodation and demolish adjacent barn, REFUSED 02.12.2002 APPEAL DISMISSED 19.08.2003.
- **ENF/MAL/11/00103** – Enforcement Notice for change of use of the barn from agricultural to residential – ISSUED 15.07.2011 EFFECT 15.08.2011
- **LDE/MAL/11/00742** – Claim for a Lawful Development Certificate for existing use of barn, REFUSED 25.10.2011.
- **LDE/MAL/12/00004** – Claim for a Lawful Certificate for existing use of living accommodation, REFUSED 05.04.2012.
- **FUL/MAL/12/01063** – Refurbishment of the existing barns with minor extensions and change of use to residential, REFUSED 06.06.2013 APPEAL DISMISSED 21.11.2013.
- **COUPA/MAL/14/00884** – Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development, REFUSED 13.10.2014.
- **COUPA/MAL/15/00348** – Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development., REFUSED 15.06.2015 APPEAL DISMISSED 19.05.2016.
- **COUPA/MAL/15/00994** – Prior approval of proposed change of use of agricultural building to dwelling house (C3) and for associated operational development., REFUSED 11.11.2015 APPEAL DISMISSED 27.07.2016.

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

### **7.1. Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Braxted Parish Council	No response has been received	-

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

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highway Authority	No objection - The proposed use is retrospective and the proposal is for B1 (office) use only. Therefore will be no use by HGV's using the access route which is public footpath FP 4 (Great Braxted).	Noted. See section 5.4 of the report.

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

Name of Internal Consultee	Comment	Officer Response
Economic Development	Support – the proposal contributes to the economic growth and employment opportunities for the district	Noted. See sections 5.1 and 5.5 of the report
Environmental Health	No objection subject to conditions about foul water drainage, hours of operation, external illumination and operation of machinery outside the building	Noted. See section 5.6 of the report.

### 7.4. Representations received from Interested Parties (*summarised*)

7.4.1. One letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
With regard to the assembly of lighting fixtures taking place on site, at the public hearing in 1994 the Inspector's decision noted that the then proposed use of the barns for manufacturing would have a "devastating effect on the occupants of the farmhouse".	There is no evidence that an application of this nature was ever submitted or refused by the Council or that an Inspector made a comment like this. See also paragraph 5.8.2 of the report
Any industrial activity taking place on site has the potential to expand way beyond the scantily detailed proposal being considered.	Noted. See paragraph 5.8.3 of the report.
The detrimental effects on health and wellbeing and residential amenity of neighbouring occupiers caused by the activities on site have been well documented and accepted by consecutive inspectors. Having any industrial activity will result in further loss of amenity. The attendance of extra staff and vehicles will further impact on the residential amenity.	Noted. See section 5.3 of the report.
This application is a cynical attempt to legitimise the unauthorised use of these buildings in order to avoid enforcement action.	S73 (A) of the 1990 Act makes provision for the submission of planning applications retrospectively.
Previous inspectors have noted the building to be in a non-sustainable situation in open countryside within the SLA.	It is not clear what the SLA stands for. In any case the location and sustainability of the building was previously considered for a residential use. The sustainability of the location for an employment use is

<b>Objection Comment</b>	<b>Officer Response</b>
<p>The complex history of this site shall be taken into consideration and not only this application shall be refused, but the council shall proceed with the necessary and overdue enforcement action.</p>	<p>considered at section 5.7 of this report.</p> <p>The site history has been stated in section 6 of this report and has been considered where relevant. The expediency for taking enforcement action for the change of use will be considered as part of the relevant enforcement case unless planning permission is granted.</p>

7.4.2. 12 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
<p>Electric king offers valuable services and employment in the local area. They also take on apprentices which really benefits the youth in the area, too. The local businesses put a lot into the local area more so than the large corporations.</p>	<p>Noted. The employment matter is considered at section 5 of the report.</p>
<p>The owner of the company is a local man who you will often see and be able to have a chat with.</p>	<p>Not a material planning consideration</p>
<p>Considering the Government Guidance on National Planning policy, this planning application is in line with the change of use of redundant agricultural buildings.</p>	<p>Noted. See section 5 of the report.</p>
<p>The company has provided a good service.</p>	<p>Not a material planning consideration</p>

## 8. PROPOSED CONDITIONS

- 1 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 B1 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 2005 (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 National Planning Policy Framework.
- 2 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
  - i. within 3 months of the date of this decision a scheme for foul water treatment shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the

prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State

- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- iv. the approved scheme shall have been carried out and completed in accordance with the approved timetable

REASON: In order to ensure the protection of 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 National Planning Policy Framework.

3 The use of the premises hereby approved shall only operate between 07:30 hours and 17:30 hours Mondays to Fridays, 08:00 hours and 15:00 hours on Saturdays and at no time on Sundays, Bank 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 National Planning Policy Framework.

4 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 National Planning Policy Framework.

5 No machinery shall be used outside the building.

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 National Planning Policy Framework.

6 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 National Planning Policy Framework.

7 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 National Planning Policy Framework.

- 8 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 National Planning Policy Framework.
- 9 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 National Planning Policy Framework.
- 10 No deliveries to or collections from the site shall be undertaken with HGVs or vehicles exceeding 3,500kg of Maximum Authorised Mass (MAM).  
REASON: In order to ensure the appropriate use of the site in the interests of protecting the amenities of adjacent occupiers, the natural environment and the highway safety in accordance with policies S1, S8, D1, D2, N2, T1 and T2 of the adopted Maldon District Replacement Local Plan and guidance contained in the National Planning Policy Framework.
- 11 Within three months from the date of this permission, the area marked on the submitted plans as the parking space for four vehicles shall be clearly marked and used only for the parking of vehicles thereafter.  
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 National Planning Policy Framework.

## **INFORMATIVES**

1. The public's rights and ease of passage over Public Footpath No.4 (Great Braxted) shall be maintained free and unobstructed at all times.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO2 - Essex Highways,  
Springfield Highways Depot,  
Colchester Road,  
Chelmsford.  
CM2 5PU