



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JANUARY 2019**

Application Number	FUL/MAL/18/01201
Location	The Barn, Fambridge Road, Mundon
Proposal	Proposed single storey office extension and attached storage building with associated hardstanding and vehicle parking
Applicant	Mr. Ian Corcoran - I.D.Corcoran Ltd
Agent	Mr. Anthony Cussen - Cussen Construction Consultants
Target Decision Date	08.01.2019
Case Officer	Emma Worby
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor Miss S White (public interest)

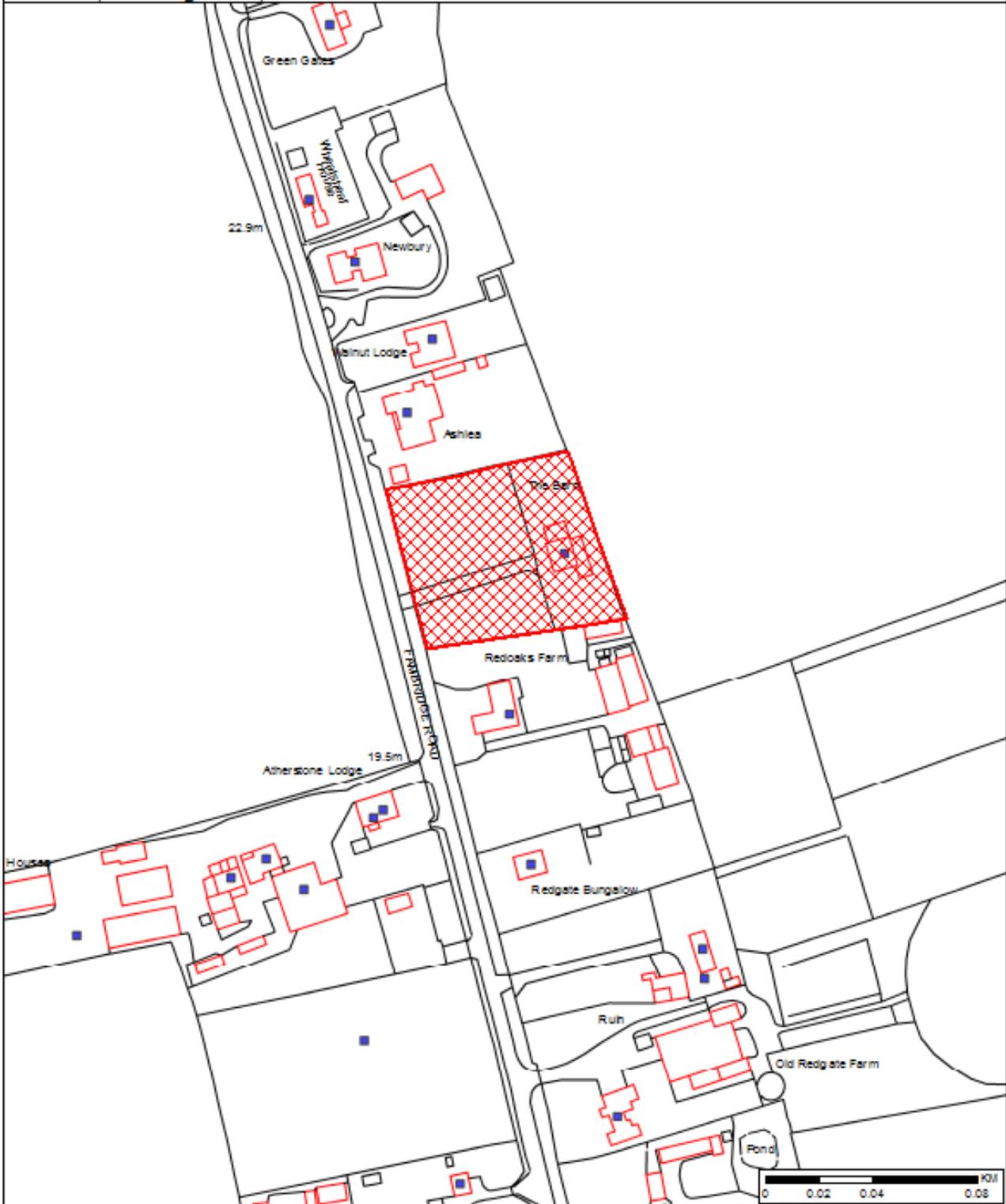
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

18/01201/FUL
The Barn, Farnbridge Road, Mundon



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 Maldon District Council 100018588 2014



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Scale:	12,000
Organisation:	Maldon District Council
Department:	Department
Comments:	
Date:	12/12/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the eastern side of Fambridge Road outside of any defined settlement boundaries. The site is occupied by a single storey detached building which was previously a barn that has since been converted to commercial premises with a B1 use with some storage. The building is set back from the road to the rear of the site and is accessed by a centrally located driveway which runs through the site to a car parking area located in the south east corner of the site. There are residential properties to the north and south of the site, an agricultural field to the east and Fambridge Road to the west.

3.1.2 Planning permission is sought for a single storey extension to the north of the existing building to accommodate further office and storage space. The existing flat roof store room to the north of the main office will be demolished to allow for the proposed development. The proposed extension would comprise of an office extension consisting of a reception room, WCs and an open office. This section would have a width of 11.4 metres, a depth of 9.5 metres and a height of 4.5 metres with a glazed wall on the western (front) elevation and four windows and patio style doors on the rear elevation. Adjoined to the northern elevation of the office section of the extension would be three individual storage rooms with three timber doors on the western elevation. This section would have a width of 18.4 metres, a depth of 8.1 metres and a height of 4.3 metres. The entire extension would have a red brick plinth, dark stained weatherboard walls and a composite slate roof.

3.1.3 The proposal includes a new gravel surface between the driveway and the front elevation of the proposed extension including parking spaces for six vehicles and block paving directly to the north, east and west of the proposed extension. A copper beech hedgerow would be located around the proposed car parking spaces.

3.2 Conclusion

3.2.1 It is considered that the proposed development, by reason of its location, scale and design would not harm the appearance, character of the locality and, due to their relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. It is therefore considered that the proposed development is in accordance with policies D1, S1, S8 and E1 of the approved LDP.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 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
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- E1 Employment
- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- T1 Sustainable Transport
- T2 Accessibility

4.3 **Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD
- Essex Design Guide
- Maldon District Vehicle Parking Standards SPD

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 The principle of extending buildings in association with existing businesses and employment sites is generally considered acceptable. Policy S8 of the LDP sets out aim to protect the intrinsic character and beauty of the countryside. This states that outside of defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of thirteen types of development including ‘employment generating proposals, in accordance with Policy E1’.

The impact of the proposed development on the intrinsic character and beauty of the countryside has been assessed in section 5.3 of this report.

- 5.1.2 Policy E1 (employment) of the LDP states that:

‘The Council will encourage employment generating development and investment in the District to support the long term growth vision outlined in the Council’s Economic Prosperity Strategy (EPS).’ With ‘this will be achieved through the regeneration, modernisation and expansion of existing employment sites.’

Although this site is not an employment site highlighted within the policy, the proposal states that the proposed extension would create an additional six jobs at the existing employment site and therefore it would be considered in accordance with policy E1 of the LDP.

- 5.1.3 The application is supported by a planning statement which justifies the need for the proposed office extension and storage units, highlighting the following points:
- The applicant requires extra office space and storage to enable and sustain the impetus of the economic growth of enterprise.
 - Provision of the extra office space would enable the employment of a further 6 full time staff and cope with company growth for the foreseeable future.
 - The provision of additional secure storage facilities is required for the storage of expensive technical tools and equipment which are used in the execution of the applicant's day to day business. Currently such items are being stored on the site in buildings which amount to little more than sheds.

This justification is considered to be appropriate grounds to support the proposal as it meets the abovementioned criteria and therefore it is considered that the proposed development would be in accordance with policy E1 of the approved LDP.

- 5.1.4 The current use of the site is considered to be a business use falling within Use Class B1. It is noted that the application does include both additional office space and some additional storage space which could be considered B8 (storage and distribution) use. However the application does not specify a change of use of the site and it is not unusual for a B1 use to contain some ancillary storage. Therefore, it is considered that the primary use of the site would still fall within Use Class B1 use. Therefore a change of use application is not considered to be necessary in this instance.

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 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 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.
- 5.2.5 The proposed development would be adjoined to the north of the existing building on the application site and would be located 55 metres from the western boundary of the site with Fambridge Road. The proposed site plan indicates that a copper beech tree hedgerow would be planted adjacent to the proposed car parking spaces which would sit between the proposed extension and Fambridge Road. Therefore the view of the proposed development would be limited from the public realm.
- 5.2.6 The proposed extension would result in an additional footprint of 200m² and would have a maximum height of 4.5 metres which would match that of the existing building. The proposed extension would be larger than the existing building and therefore would be a relatively dominant addition. However, the barn-like design would suit the rural environment and the existing converted building and the proposed materials would match that of the existing building and are considered to be well suited to the countryside location. The application site is large in size and the proposed development would be located to the rear of the site, furthest from the road, which is considered to reduce any impacts on the streetscene. Due to the spacious nature of the site, the proposed extension would not be considered a cramped or contrived addition to the site.
- 5.2.7 The proposal includes some additional hardstanding to the west of the proposed extension for car parking which is to be constructed of a gravel surface. With a paved area around the west, north and east elevations of the proposed extension. The paved area is minimal and is not considered to result in an urbanisation of the application site and the gravel parking area is considered to be a suitable material to accommodate parking in a rural environment.
- 5.2.8 Therefore, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing building and the intrinsic character and beauty of the countryside in accordance with policies D1, S8 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The application site has two neighbouring properties, Ashlea, Fambridge Road to the north and Redoaks Farm, Fambridge Road to the south.
- 5.3.3 The proposed development would be 2.7 metres from the boundary with Ashlea and would be approximately 37 metres from the dwelling at this neighbouring property. Due to this distance and the single storey nature of the proposed development, it is not considered that the extension would have an overbearing impact on this neighbouring property. Furthermore, no windows are proposed which would directly face the dwelling or the private amenity space of Ashlea and therefore it is not considered that the proposed development would significantly overlook this neighbouring property.
- 5.3.4 The proposed development would be 34 metres from the boundary with Redoaks Farm and the existing building would sit between this boundary and the proposed development. As the view of the extension would be largely blocked by the existing building and due to the separation distance, it is not considered that the proposed development would have an impact on this neighbouring property by way of loss of light or loss of privacy.
- 5.3.5 On consultation, the Council's Environmental Health team requested that a noise impact assessment was submitted to demonstrate the impact of noise from the increased activity on the site on the neighbouring amenity. This was completed by dB Consultation Ltd on 30/11/2018 and made a number of recommendations to limit the impact of noise. These included limiting the speed of vehicles on the site, limiting the times the store rooms can be accessed and staff can use the site and erecting signs to request that noise is kept to a minimum. On receipt of this report, the Environmental Health team confirmed that they have no objections to the proposal subject to the inclusion of eight conditions. The conditions recommended to mitigate the impact on the neighbouring amenity include restricted operational hours, restricted delivery hours, use of machinery, external storage, extraction and ventilation and illumination of the site.
- 5.3.6 It is noted that Environmental Health have recommended the hours of use to be between 08:00 hours and 17:30 hours on weekdays, between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays. However under the existing permission, FUL/MAL/17/00015, Condition 5 states the premises shall only be occupied from between 08:00 hours until 19:00 hours on Mondays to Saturdays and not at any time on Sunday and Bank Holidays. It is not considered reasonable or necessary to alter the hours of use condition under this application, and therefore the condition regarding the hours of use will remain in line with the existing permission.

5.3.7 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

5.4 **Access, Parking and Highway Safety**

5.4.1 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.

5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.4.3 The proposed development includes an additional six car parking spaces on the site to serve the proposed six additional employees. This parking area would be located to the west of the proposed extension and would join the existing access from Fambridge Road. The Maldon District Vehicle Parking Standards SPD states that offices B1 (a) use should provide 1 space per 20sqm. The total office space would result in a floor area of approximately 260m² which would therefore need a minimum of 13 car parking spaces. Including the additional six spaces proposed the site would have a total of 18 car parking spaces, including two disabled car parking bays, and therefore would be in accordance with the requirement.

5.4.4 The Highways Authority was consulted on the proposed development and has no objections. No new access points are proposed onto Fambridge Road.

5.5 **Other Material Considerations**

5.5.1 The Environmental Health team has also recommended conditions regarding a scheme for surface water drainage and foul water drainage, which are considered to be reasonable and necessary and therefore have been included.

5.5.2 The Economic Development team has not objected to the proposed development and has stated that it would support the expansion of the business. No conditions have been requested.

6. **ANY RELEVANT SITE HISTORY**

- **LDE/MAL/10/00891** - Lawful Development Certificate for the change of use of a barn to residential – Refused
- **FUL/MAL/11/00896** - Change of use of barn building to residential C3, with curtilage land – Refused and dismissed at appeal
- **COUPA/MAL/14/00514** - Prior notification of a proposed change of use from agricultural barn to class B1 to use as offices – Prior approval refused

- **FUL/MAL/14/00801** - The change of use of the agricultural barn to Class B1 use offices. Associated parking and utilisation of existing access onto Fambridge Road – Refused
- **FUL/MAL/15/00050** - Change of use of barn to B1 offices (resubmission of FUL/MAL/14/00801) – Approved
- **FUL/MAL/15/00700** - Conversion of the barn to residential use to create new dwelling, curtilage and parking and enhancements to site including biodiversity/landscaping improvements – Refused and dismissed at appeal
- **FUL/MAL/17/00015** - Variation of condition 3 and condition 5 on approved planning permission FUL/MAL/15/00050 (Change of use of barn to B1 offices - resubmission of FUL/MAL/14/00801) – Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The Parish Council believes that the proposed development is sustainable and does not conflict with Policies contained within the Maldon District Local Development Plan 2014 - 2029.	Comments noted

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No objections	Comments noted

7.3 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health (first response)	There is no information about how the business operation will change on site as a result of the development. Currently with permission for B1 office use, it can operate in proximity to residential development with little adverse impact. However, there will be an increase in vehicle movements due to an increased number of staff, but there will also presumably be work vehicles arriving to load	Comments noted and a noise impact assessment was requested from the applicant's agent

Name of Internal Consultee	Comment	Officer Response
	and unload equipment. This hasn't been quantified. Increased activity on site and particularly on the northern boundary including the loading and unloading of equipment onto vehicles may affect the amenity of those living locally and we will need further information in the form of a noise impact assessment before we can comment further.	
Environmental Health (second response)	I write further to the receipt of the noise impact assessment. The report states that the existing use of the site is predominately for office work, storage of office supplies, PPE, hand held equipment and spare materials with the purpose of the proposed development to increase office staff capacity for administration and management purposes and to expand the indoor storage space so materials currently stored outside can be stored inside. I understand from the report that there is no intention to increase deliveries or the loading and unloading of vans or other materials. Therefore, I have no objections to the proposal subject to the inclusion of 8 conditions.	Comments noted and 7 recommended conditions are included. However the hours of use condition will remain in line with the existing permission. See section 5.3.6.
Economic Development	Recommend the proposal as it will enable an already established business to fulfill its expansion requirements on their existing site which will also create a further 6 jobs	Comments noted

7.4 Representations received from Interested Parties

7.4.1 1 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
- Very distressed by the Parish Councils response and presumed	The view of the Parish Council has been noted and will be taking into

Objection Comment	Officer Response
that Maldon have ripped up the rule book regarding the development of green belt land	consideration within the assessment. It is noted that the application site is not located on green belt land.
- Object to granting consent for the barn to be turned into an enlarged complex or residential property	Comments noted. The application does not include any residential properties and therefore this cannot be considered
- The site was previously had a barn and an equestrian use	Comments noted
- Expanding the property will mar the lifestyle of the neighbouring properties	This is not a planning consideration
- It is outside of the defined settlement boundary in a rural area and is not suitable for expanded office or residential purposes	Discussed within section 5.1
- No need for an additional unit of expanded office or residential accommodation in this setting	Discussed within section 5.1. The application does not include any residential properties and therefore this cannot be considered
- The expansion of the use of the barn will introduce domestic activities into a rural setting and increase pressure on services	The application does not include any residential properties and therefore this cannot be considered
- The barn does not accord with design principles	Discussed within section 5.2
- Experiencing more noise disruption	Discussed within section 5.3

The main points raised in this letter of representation regarding planning matters have been addressed above. Details were also submitted within this letter with regard to the history of the site and previous applications. The relevant planning history of the site has been noted in section 6 of this report. Any other details of site history and ownership are not considered to be relevant to this application. The letter of representation also includes details of the barn being used as a dwelling and of an enforcement appeal decision in relation to the use of the barn as a dwelling. However the application being assessed within this report is in regards to the lawful office use of the building and therefore any history regarding residential uses is given little weight in this assessment.

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

Supporting Comment	Officer Response
<ul style="list-style-type: none"> - The works are a minor addition to the overall site - The extension is in keeping with the rest of the site and surrounding area - The site is adjacent to the busy industrial yard which has extensive working hours and vehicle movements which causes no nuisance to surrounding properties - The extension would support a rural business 	<p>Comments noted and discussed within the report</p>

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1131/01, 1131/02, 1131/05, 1131/04, 1131/03, 1131/07, 1131.06, Noise Impact Assessment.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development works above ground level shall take place until details of the surface water drainage scheme to serve the development have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield).

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

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

REASON To comply with policy D5 of the Maldon District Local Development Plan.

- 5 All foul sewage shall discharge to the public sewer as specified in the application form, unless otherwise agreed in writing by the Local Planning Authority.

REASON To comply with policy D5 of the Maldon District Local Development Plan.

- 6 The premises shall only be occupied between 08:00 hours and 19:00 hours on Mondays to Saturdays, and shall be closed Sundays and Public Holidays. No persons shall be present upon the premises outside the permitted hours.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 7 Deliveries to and collections from the site shall only be undertaken 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 the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 8 No machinery shall be operated and no process shall be undertaken outside of the building.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

- 10 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 appropriate use of the site and to protect the amenities of neighbouring residents in accordance with policy D1 of the Maldon District Local Development Plan.

- 11 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.

REASON In the interests of residential amenity in accordance with policy D1 of the Maldon District Local Development Plan.

INFORMATIVES

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

- 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 It is recommended that the developer seeks to discharge conditions at the earliest opportunity and in many respects it would be logical to do so before development commences. This is particularly the case with conditions which begin with the wording "no development works above ground level shall occur until..." because this will help to ensure that the developer does not go to the risk of incurring costs from commencing development and then finding issues which are difficult to comply with or which may then require the correction of works that have been undertaken.