



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
16 DECEMBER 2020**

<b>Application Number</b>	<b>20/00954/FUL</b>
<b>Location</b>	Barns at Lower Farm, Blind Lane, Tolleshunt Knights
<b>Proposal</b>	Conversion of barns to dwelling
<b>Applicant</b>	Mrs N Gudgeon
<b>Agent</b>	Mr G Clark - Clark Partnership
<b>Target Decision Date</b>	18.12.2020
<b>Case Officer</b>	Hayleigh Parker-Haines
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Plan

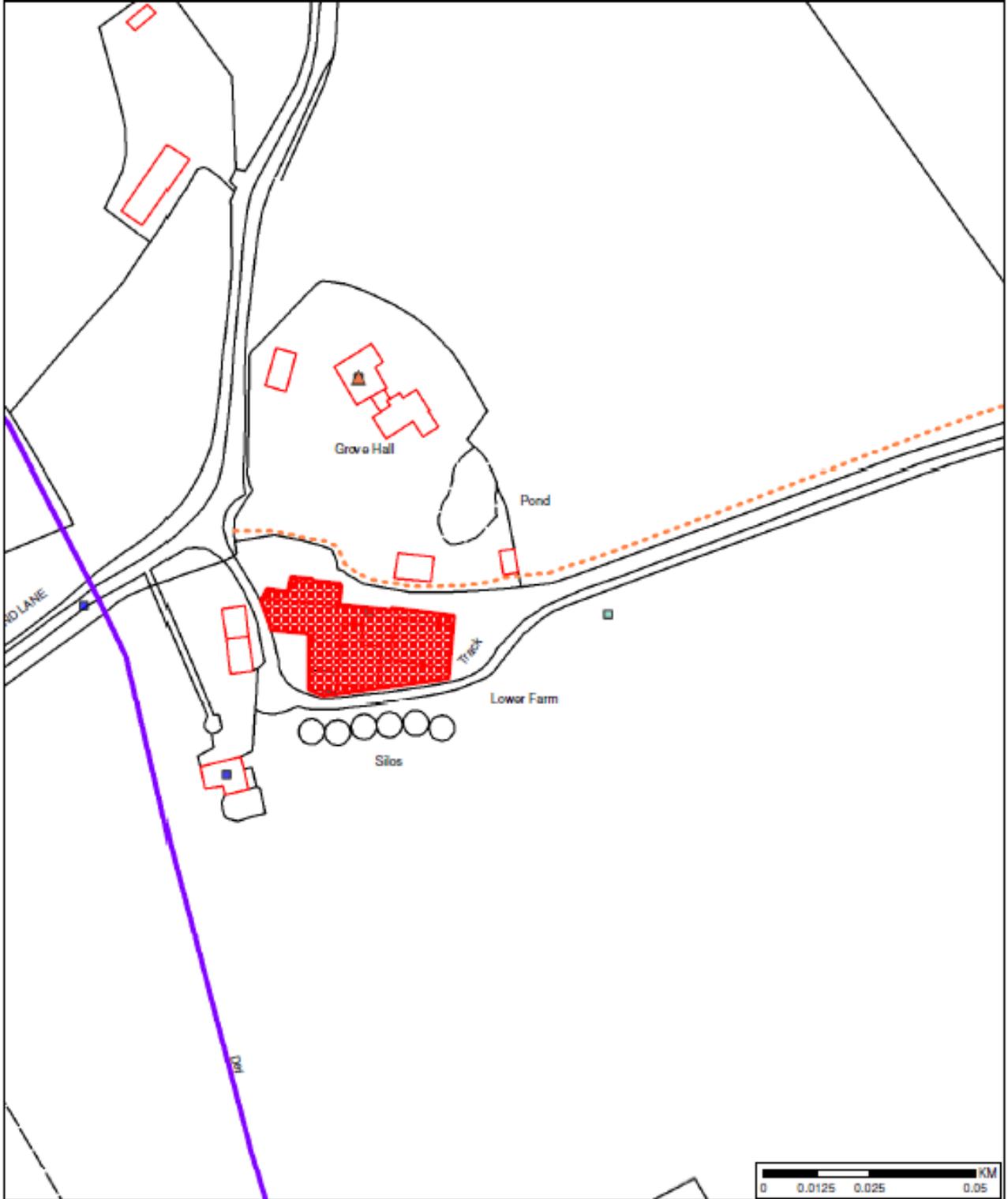
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Barns At Lower Farm - Blind Lane**  
 Tolleshunt Knights 20/00954/FUL



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	Organisation: Maldon District Council
	Department: Planning Services
	Comments: 20/00954/FUL
	Date: 19/11/2020
www.maldon.gov.uk	MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south east of Blind Lane and is accessed via a private track off of Blind Lane. The application site is occupied by four agricultural buildings which were previously used for the storage of farming equipment and does not fall within any defined settlement boundary. The site is within a rural location, to the south of the application site is Lower Farm and to the north is Grove Hall. There is a public footpath approximately 4 metres to the north of the application site which runs easterly from Blind Lane.
- 3.1.2 Planning permission is sought to convert the existing agricultural barns to a dwelling. This would utilise all four agricultural buildings known as Barn A, Barn B, Barn C and Barn D. Barn A sits to the eastern boundary of the site and has a maximum height of 6.9 metres, a width of 14.15 metres and a depth of 10.8 metres. Barn B and Barn C are to the southern boundary of the site and are adjoined to Barn A by a single storey link. Barn B has a maximum height of 6.5 metres, a maximum width of 9.4 metres and a maximum depth of 14.3 metres, Barn C has a maximum height of 3.8 metres, a depth of 4.2 metres and a width of 6.1 metres. Barn D is located to the north west of the application site and has a maximum height of 4.4 metres, a width of 18.6 metres and a maximum depth of 5.6 metres.
- 3.1.3 As part of the proposed works Barn A will be demolished and rebuilt resulting in the current link to Barn B being eliminated. The replacement building being built with its northern elevation in line with the northern elevation of the existing structures. The replacement building would have a maximum height of 6.97 metres, a width of 11 metres and a depth of 9.45 metres.
- 3.1.4 For the proposed conversion of the buildings to one dwelling a number of external alterations are proposed. The alterations to each barn are provided below:
- Southern elevation: addition of three dormer windows, and two doors and replacement of window
  - Eastern elevation: replacement door and addition of two windows
  - Northern elevation: addition of two dormer windows; one of which with a larger glazed panel and two rooflights
  - Western elevation: addition of a glazed panel
- 3.1.5 Barn A, B and C will accommodate a dining room, kitchen, utility, WC, four bedrooms, a cloak room, lounge, family room and study, and Barn D would accommodate a garage, hobby room, laundry room and a waste room.
- 3.1.6 The block plan shows that amenity space will be provided to the east of the proposed dwelling. The floor plans and block plan show that a garage would be provided within converted Barn D with the hardstanding to the front also being utilised for parking provision.
- 3.1.7 The application site benefits from consent for the conversion of the barns under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPD0) reference

20/00398/COUPA. This application is different in nature to the development approved under the previous application. The differences include the elevational materials will be changed, Barn A would be re-built removing the link attachment to Barn B and alterations to the design and fenestration are proposed.

### **3.2 Conclusion**

- 3.2.1 The proposed development has been assessed against all material planning considerations, including the previous permission and in this instance; it is considered that the principle of the provision one dwelling in this location is acceptable. It is considered that development would not have a discordant impact on the character and appearance of the area or the intrinsic beauty of the countryside. No objection is raised in relation to the impact of the development on residential amenity or the parking provision. Therefore, subject to appropriate conditions, the development is considered on balance, acceptable and in accordance with the aims of the National Planning Policy Framework (NPPF).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 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
- 54-57 Planning conditions and obligations
- 59-79 Delivering a sufficient supply of homes
- 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:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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

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

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved Maldon District Local Development Plan (MDLDP). The previous planning history of a site is a material planning consideration and for that reason is pertinent to be considered as part of the assessment of the proposal.

5.1.2 As part of the drive to deliver new homes the Government has stated that there is a need for Councils to demonstrate that there are sufficient sites available to meet the housing requirements for the next five years; this is known as the five year housing land supply (5YHLS).

5.1.3 Where a Local Planning Authority is unable to demonstrate that it has a 5YHLS, the presumption in favour of sustainable development will apply; this is known as the ‘tilted balance’. This is set out in paragraph 11d of the NPPF which states:

***“For decision taking this means:***

*“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) the application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’ or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.”*

5.1.4 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) is central to the policy approach in the Framework, as it sets out the Government’s changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces local plan policies that do not comply with the requirements of the NPPF.

5.1.5 It is necessary to assess whether the proposed development is ‘sustainable development’ as defined in the NPPF. If the site is considered sustainable then the NPPF’s ‘presumption in favour of sustainable development’ applies. However, where the development plan is ‘absent, silent or relevant policies are out-of-date’, planning permission should be granted ‘unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or that specific policies in this framework indicate development should be restricted’.

5.1.6 In judging whether a residential scheme should be granted, it is necessary to consider the weight attributed to the planning benefits which the proposal offers in making up

the current housing land supply shortfall, against the adverse impacts identified (if any) arising from the proposal in relation to the policies contained within the NPPF.

5.1.7 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The local development plan through policy S1 re-iterates the requirements of the NPPF but there are no specific policies on sustainability within the current local plan. Policy S1 allows for new development within the defined development boundaries, however, the Council cannot demonstrate an up to date five year supply of deliverable housing. Therefore, on this basis, sites outside of the defined development boundaries could be judged to be 'sustainable development' through the three dimension tests of the NPPF.

5.1.8 Paragraph 78 of the NPPF states that:

*'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby'*

5.1.9 The application site is located beyond the defined settlement boundary for Tolleshunt Knights, within the countryside and approximately 874 metres away from the settlement boundary of Tolleshunt Knights, which is the closest village to the application site. Tolleshunt Knights is classed as a smaller village under Policy S8 with limited facilities. It is therefore, considered that the occupiers of the dwelling would be required to travel outside of Tolleshunt Knights for day to day services and facilities. Blind Lane is a country road which is unlit and does not benefit from a footpath, it is therefore not considered to be attractive to pedestrians and due to this the accessibility of the site is limited. Therefore, it is not considered that the accessibility of the site would weigh in favour of the development. Furthermore, due to the lack of facilities it is not considered that the site is located within a sustainable location.

5.1.10 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to a dwelling (20/00398/COUPA). The assessment of a prior approval application is materially different to that of a full planning application and it cannot be automatically assumed that because an application is granted under a separate method of Development Management that planning permission will be granted. However, the fall-back position is a material consideration and the weight attributed should reflect the circumstances of the individual application.

5.1.11 The previous permission can still be implemented and there is nothing before the Council that would evidence that if the current application was to be refused that the prior approval application would not be undertaken. Furthermore, whilst the two schemes are materially different the two schemes are broadly similar in nature and this would add weight to the fall-back position when determining the current application. Taking in to account the above, in this instance, the fall-back position is a material consideration in the determination of this application of significant weight.

- 5.1.12 Whilst the site is located in an unsustainable location remote from facilities needed for day to day living where in normal circumstances the Council would look to resist additional residential development there is a need to be conscious of site specific material considerations that weigh in favour of the proposal. Therefore, taking in to account the existing permission for a dwelling on the site, the high likelihood that if planning permission was refused that the other permission would be implemented and the Council's inability to demonstrate a 5YHLS it is considered that no objection is raised to the principle of granting planning permission on the site.
- 5.1.13 Other considerations that need to be taken into the balance are discussed below. Based on the above, it is considered, on balance, that a dwelling in this location is acceptable.

## **5.2 Housing Land Supply and Need**

- 5.2.1 In respect of the Council's current land supply position, the NPPF states that Local Authorities should consider applications for new dwellings in the context of the presumption in favour of sustainable development and the Local Development Plan (LDP) policies in relation to the supply of housing should not be considered to be up-to-date. As a result, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate that development should be restricted.
- 5.2.2 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one- and two-bedroom units, and around 71% of all owner-occupied properties having three or more bedrooms. The Council is therefore encouraged in the approved policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands.
- 5.2.3 Whilst the LDP carries limited weight at present, the NPPF is clear that housing should be provided to meet an identified need. Therefore, it is still considered that weight should be afforded to the evidence base from the SHMA.
- 5.2.4 The Council is therefore encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would provide one four-bedroom property. Taking into account, the Council's current position, the proposal would make a contribution to improving the Council's housing stock. Therefore, the benefits of the scheme in regard to this are neutral as there would be a net gain of one dwelling, of a size not specially needed by the Council, and this is given minimal weight.

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

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

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

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

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

5.3.3 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;

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

5.3.5 In addition, Policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.3.6 Blind Lane is predominately open countryside with sporadic residential development, which is more common to the southern end of the lane. These properties benefit from spacious plots with the dwellings set back from the boundary with the road. The application site sits a minimum of 19 metres from the boundary with Blind Lane (Barn D) and is therefore, not in an overly uncharacteristically prominent location within the surrounding area. The replacement of external materials would be to match the existing and therefore, the proposed dwelling and outbuilding would not result in a dominant form of development within the surrounding area and is not considered to detrimentally impact on the character and appearance in relation to scale and location.

5.3.7 The main alterations to convert the barns into a dwelling relate to Barn A which is to the east of the site as this will be demolished and rebuilt to adjoin Barn B and C. This would also include the addition of five pitched roof dormers. Whilst it is noted that

dormer windows are not an overly common feature within the surrounding area, due to the degree of separation from Blind Lane these would not be an overly prominent feature, with the only views from with the public realm being from the footpath which runs along the northern boundary of the site.

- 5.3.8 It is noted that the development would result in the existing building having a more domestic appearance and also inherently result in the intrusion of domestic paraphernalia into what is considered countryside, and would result in the urbanisation of the site to the detriment of the countryside. However, it is considered that the fall-back position from the COUPA would broadly result in the same domestication of the site and therefore, this is not considered to justify the refusal of this application.
- 5.3.9 Taking into account the above assessment, it is considered, that on balance, the proposed development would not have an unduly detrimental impact on the character and appearance of the site or surrounding area.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The application site is bordered by two neighbouring properties, to the north is Grove Hall and to the south is Lower Farm. Barn D (to be a garage, hobby room, waste store and utility) sits on the shared boundary with Grove Hall and over 20 metres from the neighbouring property. The proposed dwelling would sit 20 metres from the neighbouring property to the south. Due to the degree of separation and that the built form on site is not increasing, it is not considered that the proposed development would result in an unacceptable loss of light to these neighbouring properties, or that it would have an overbearing nature on the neighbouring occupiers.
- 5.4.3 It is noted that there are three dormer windows facing Lower Farm and two dormer windows to the northern elevation facing Grove Hall. Due to the substantial degree of separation of the dwelling from Grove Hall (these windows would sit over 40 metres from the neighbouring property, this is in excess of the 25 metres required for back to back dwellings), it is not considered that the proposal would result in an unacceptable loss of privacy to these neighbouring occupiers. The dwelling, the subject of this application, is set back within the plot with the western elevation broadly in line with the eastern (rear) elevation of Lower Farm, therefore, any views from the dormer windows would be of the eastern end of the garden rather than directly into the private amenity space afforded to this dwelling. It is therefore not considered that the proposal would result in an unacceptable loss of privacy to this neighbouring property.
- 5.4.4 Environmental Health were consulted in relation to this application and have not raised any concerns in relation to noise disturbances on current and future occupiers of the proposed dwelling from the nearby farm to the east of the site. 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.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The proposed development would utilise the existing access from Blind Lane, the change of use to a residential dwelling is not considered to result in a significant increase in vehicular movements to and from the site. Furthermore, Essex County Council Highways were consulted as part of this application and have raised no objection subject to the inclusion of two conditions. Therefore, there are no concerns in relation to highway safety.
- 5.5.3 The proposed development includes the provision of a car port with internal measurements of 4.5 metres by 5.2 metres, this falls short of the minimum standards of 3 metres by 6 metres and therefore, it is not considered sufficient to provide parking for one vehicle. However, there is sufficient hardstanding to the front of the proposed garage for a minimum of three spaces as required for a four-bedroom dwelling. Therefore, there are no concerns in relation to parking.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 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 (MDG) SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 The proposed development would result in the creation of a four bedroom dwelling; The proposed dwelling would benefit from a spacious amenity space (170m<sup>2</sup>) to the east of the proposed dwelling. This is in excess of the 100m<sup>2</sup> as required by the standards and therefore the proposal is in compliance with Policy D1 of the LDP.
- 5.6.3 No information in relation to the proposed boundary treatments or the landscaping has been provided as part of this application. However, it is considered that this information could be secured via condition should the application be approved.

## **5.7 European Designated Sites**

- 5.7.1 The application site falls within the 'Zone of Influence' (ZoI) for one or more (Blackwater Estuary SPA and Ramsar site, Colne Estuary SPA/Ramsar site and Dengie SPA and Ramsar site) of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy

(RAMS). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure etc.

- 5.7.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast RAMS Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the following development types? Yes - The planning application relates to one dwelling

Proceed to HRA Stage 2: Appropriate Assessment to assess recreational disturbance impacts on the above designated sites

Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.7.3 As the answer is no, it is advised that a proportionate financial contribution should be secured in line with the Essex Coast RAMS requirements. Provided this mitigation is secured, it can be concluded that this planning application will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development. NE does not need to be re-consulted on this Appropriate Assessment.

- 5.7.4 The Essex Coastal RAMS is currently under preparation and it therefore, constitutes an emerging document for the Council. This document states that the flat rate for each new dwelling has been calculated at £125.58 and thus, the developer contribution should be calculated using this figure. At this time a signed S106 agreement has not been provided to the Council. However, this could be sought subject to the recommendation of approval being agreed by the Planning Committee and prior to the decision being issued.

## **5.8 Tilted Balance and sustainability**

- 5.8.1 One of the key priorities within the NPPF is the provision of sustainable development. This requires any development to be considered against the three dimensions within the definition of 'sustainable development' providing for an economic, social and environmental objective as set out in the NPPF.

- 5.8.2 The application site is located approximately 874 metres from the settlement boundary of Tolleshunt Knights. Tolleshunt Knights is described under Policy S8 as being a small village, containing few or no services and facilities, with limited or no access to public transport with very limited or no employment opportunities. The closest bus stop with an active public route is 954 metres (as the crow flies) from the application site on Top Road. This offers services to Witham (91) every two hours and would be unattractive to access for pedestrians due to the lack of footpath and lighting along Blind Lane. The closest facilities are located within the neighbouring villages of Tiptree (approximately 1.9 miles to the north as the crow flies), with a small village shop and pub within Tolleshunt D'Arcy approximately 1.6 miles (as the crow flies) to the south. Therefore, it is considered due to the lack of facilities and services in the closest village, that the dwelling is not located within a sustainable location.
- 5.8.3 Having regard to policies S1 and T2, it is not considered that a dwelling in this locality would minimise the need to travel or prioritise sustainable modes of transport. Therefore, it is not considered that the site is accessible in terms of sustainability.
- 5.8.4 In relation to environmental sustainability, it is considered that the development of the site would result in the inevitable domestication of the site, which is not normally supported within the Countryside. It is considered that due to the existing built form on site, and that this would remain largely unaltered in relation to footprint, weighs in favour of the proposed development, as does, and more significantly, the fall-back position from the granted prior approval application, which would result in the inherit domestication of the site. Therefore, it is considered that the granting of this planning application would have a neutral impact in relation to environmental sustainability.
- 5.8.5 In economic terms, there would be little support for local trade as the proposal only relates to minor works to provide one dwelling. Whilst the occupiers of the dwelling would bring some economic benefits to the village, which may provide some support to existing services, it is considered that the benefits would be minor given that only one dwelling is proposed. Therefore, due to the limited provision of local businesses, shops and services and the minor nature of the development there would be a limited increase in footfall or economic benefit to the area.
- 5.8.6 In social terms, development should assist in supporting a strong, vibrant and healthy community, but local services are very limited. Residents are required to travel further afield for day to day facilities and amenities. As such, the site is considered remote from services needed for day to day living and any future occupiers of the site would be heavily reliant on the use of private vehicles to access everyday facilities contrary to the guidance contained within the NPPF and policies S1, S8 and T1 of the LDP.
- 5.8.7 However, as stated in the preceding section of this report; the site benefits from prior approval permission to convert the barns to a dwelling (20/00398/COUPA). This is therefore, a material consideration in the determination of this application, which carries significant weight, particularly given that this previously approved application would allow for one dwelling on the site. It is therefore considered that despite the poor social and economics of the development and the neutral impact in relation to environmental sustainability, this fall-back position weighs heavily in favour of the

proposed development. Due to this, it is considered that the provision of one dwelling in this location is acceptable.

## 6. ANY RELEVANT SITE HISTORY

- **COUPA/20/00398** – Prior notification for a conversion and adaption of existing barns to form dwellinghouse. – 10.06.2020.

## 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>
Tolleshunt Knights Parish Council	The Parish objects on the grounds of a poor design which is incongruous and unbalanced	Comments noted. Amended plans were received to overcome these concerns with the application undergoing another public consultation. No further response has been received in relation to this at the time of writing this report.

### 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Highways	No objection to the proposal subject to the inclusion of two conditions should the application be approved	Comments noted

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to the inclusion of three conditions should the application be approved.	Comments noted

### 7.4 Representations received from Interested Parties

No letters of representation have been received

**8. PROPOSED CONDITIONS SUBJECT TO THE COMPLETION OF A S.106 AGREEMENT REGARDING RAMS CONTRIBUTION.**

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) of The Town & Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with approved drawings: 20/1609/00, 20/1609/01, 20/1609/02A, 20/1609/03, 20/1609/04, 20/1609/05, 20/1609/06, 20/1609/07, 20/1609/08, 20/1609/09, 20/1609/10, 20/1609/11, 20/1609/12 and 20/1609/13A

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

3. Prior to their use in the development hereby approved, details or samples of the materials to be used in the construction of the external surfaces, including windows and doors, of the development hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

4. Prior to the occupation of the development hereby approved details of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be provided prior to the occupation of the dwelling hereby approved in accordance with the approved details and be retained as such in perpetuity.

REASON To ensure the external appearance of the development is appropriate to the locality and that the development would protect the amenities of the neighbouring occupiers in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

5. Prior to the occupation of the development details of both hard and soft landscape works to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first 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.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.

6. No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel washing facilities
- Measures to control the emission of dust, noise and dirt during construction
- Hours and days of construction operations.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with BE1 and T2 of the adopted Replacement Local Plan, and policies D1 and T2 of the submitted Local Development Plan.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development has 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 years 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) 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 avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development above ground level shall be occur until details of the foul 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.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).9.

9. The vehicle parking area and associated turning area shown on plan 20/1609/02A shall be provided prior to the occupation retained in this form in perpetuity. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

REASON To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with policies D1 and T2 of the approved Local Development Plan.

10. Details of the refuse and cycle stores shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The development shall be implemented in accordance with the approved details and be retained for such purposes in perpetuity thereafter.

REASON To ensure that adequate bicycle parking and refuse facilities are proposed in accordance with policies D1 and T2 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site.

REASON To protect the visual amenity of the rural area and the amenities of the neighbouring occupiers in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.

12. The public's rights and ease of passage over footpath number 8 in Tolleshunt Knights shall be maintained free and unobstructed at all times.

REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the LDP.