



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

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

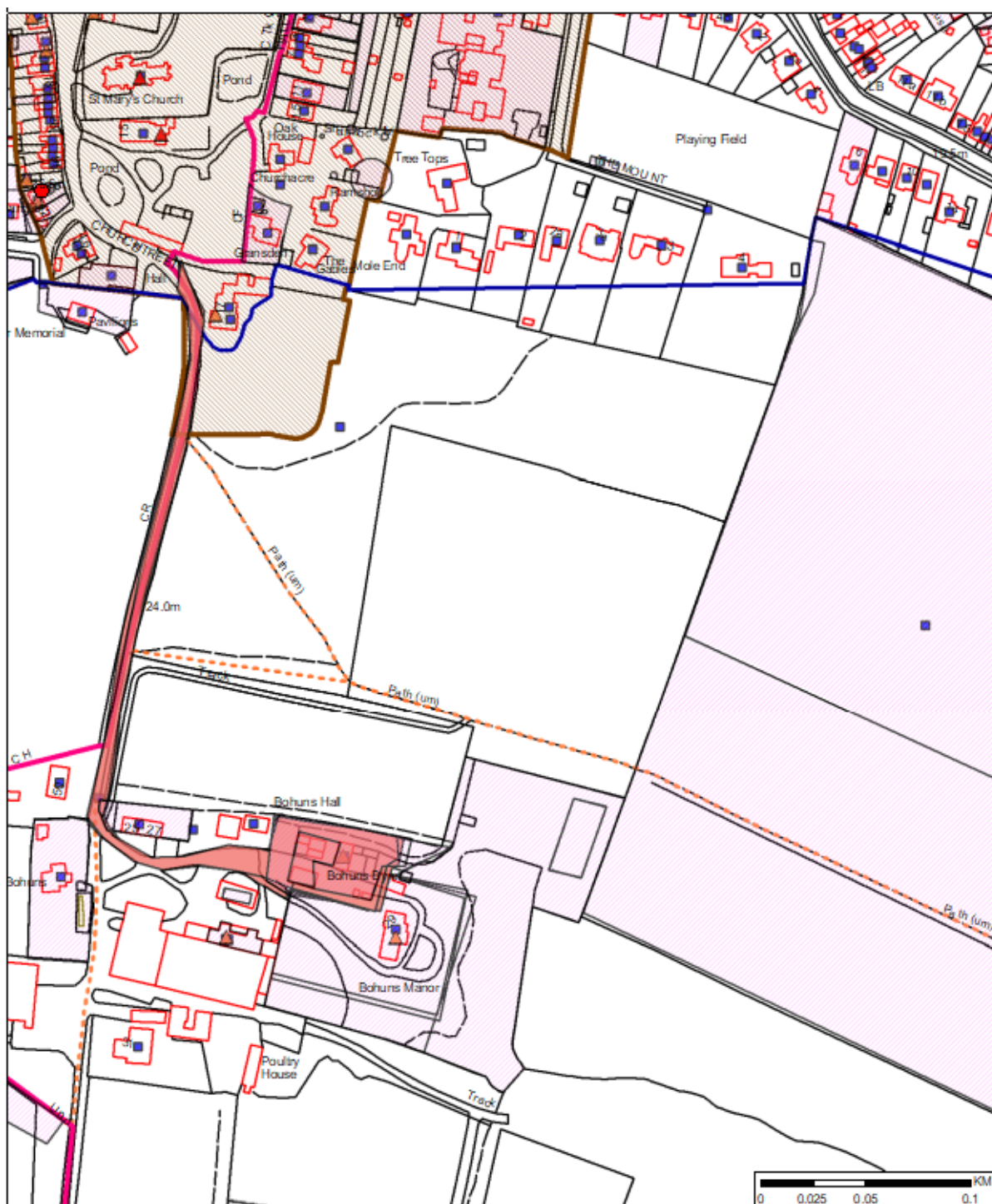
Application Number	20/00955/FUL & 20/00956/LBC
Location	Bohuns Byre Church Street Tollesbury
Proposal	Conversion, renovation and extension to historic barn to create 2 bedroom house.
Applicant	Mrs Katherine Brown
Agent	Ms Annabel Brown - Annabel Brown Architect
Target Decision Date	16.11.2020 EOT 18.12.2020
Case Officer	Hannah Bowles
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Member Call In from Councillor E L Bamford for Departure from Local Plan


1. RECOMMENDATION

APPROVE planning permission subject to the applicant entering into a Unilateral Undertaking to secure the RAMS contribution and subject to conditions as detailed in Section 8 and **GRANT** listed building consent subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Not Set
	Date:	23/11/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site Description

- 3.1.1 The application site is located in a rural area around 350m south of the defined settlement boundary of Tollesbury. The site as outline in red occupies the grade II listed building Bohuns Byre and its vehicular access from Church Street, the site is currently unkempt and overgrown with vegetation.
- 3.1.2 Bohuns Byre is in a poor state of repair and has been on the Council's Heritage at Risk Register since 2004. It is listed for its group value with Bohuns Hall, which is a part 3-storey former farmhouse, and Bohuns Barn, which is a timber-framed barn of a similar age to Bohuns Byre. All three of the historic listed buildings are now in separate ownership. The byre is a rare survival of a once common agricultural building type, and it includes a largely open cattle shelter with an undivided upper storey for storage. It is interesting to note that although the subject building is listed as a cow byre, recent analysis of the building has shown that it was first erected in the late-18th century as a stable with hayloft above, thus redefining the understanding of this heritage asset.
- 3.1.3 The site is set in a cluster of development with agricultural buildings and former agricultural workers' dwellings clustered around the farm yard at Bohuns Hall Farm. The setting of the listed building at Bohuns Byre, and that of the associated historic farmstead group, includes the surrounding and mainly open countryside.

The Proposal

- 3.1.4 Planning permission and listed building consent are sought for the restoration, extension and conversion of Bohuns Byre into a two bedroom dwellinghouse.
- 3.1.5 The extensive restoration works to the dilapidated building would involve repairs and the replacement of elements of the timber frame, the re-instatement and upgrading of the timber weatherboarding on the external elevations of the main building and the introduction of a clay-tiled roof covering which would replace the existing metal sheet covering.
- 3.1.6 Internally the ground floor level would remain open plan. At first floor level partitions would be introduced and a small mezzanine level would be accommodated within the roof space.
- 3.1.7 Two single storey lean-to extensions are proposed on the northern and western elevations of the building. The extension proposed on the northern elevation would measure 5m wide, 2.2m deep, 2.1m to the eaves and 4.3m to highest point of the lean-to roof form. The extension proposed on the western elevation would measure 6.6m wide, 2.3m deep, 1.95m to the eaves and 4.1m to the highest point of the lean-to roof form. Additional and upgraded window and door openings are proposed within every elevation of the building.

- 3.1.8 The existing access track to the site would be utilised for the proposed development with an upgraded driveway and parking area provided to the west of the building. The private amenity space would be provided to the north, east and south of the building, the majority would be laid to grass with two small terrace areas and a courtyard proposed.

Background Information

- 3.1.9 Planning permission and listed building consent were refused in 2010 under references 10/00250/FUL and 10/00251/LBC and the subsequent appeal was dismissed in 2011 for the change of use of the grade II listed building and associated outbuildings to a single dwelling. The reasons for refusal were as follows:

'The application site is situated within a rural area where the policies of the development plan require that the re-use of buildings is acceptable subject to certain criteria. Policies CC20 and CC21 of the adopted Maldon District Replacement Local Plan requires that regard will be given to the settlement policies of the plan, it must be demonstrated that the building cannot be used for an alternative employment use, any traffic use can be safely accommodated, that the building should not be altered in such a way as to detract from the rural character of the area and that the proposal should not radically alter the character and structure of the original building. The proposed conversion of this Grade II listed byre would not comply with the above policies. The application site is situated outside of the defined development boundary of Tollesbury village and the proposed development would not therefore accord with the Council's settlement strategy. In respect to its listed status, the proposal would seriously prejudice the character and structure both internally and externally of the original building and that the character and appearance of the surrounding area would be adversely affected. The Applicant has not provided sufficient evidence to support an exceptional grant of permission and has failed to demonstrate that every effort has been made to secure an appropriate employment use of the byre, contrary to the aforementioned policies and Government Guidance PPS5 'Planning for the Historic Environment and PPS7 'Sustainable Development in Rural Areas'.'

The existing byre is Grade II listed and policies contained in the Development Plan require the protection of listed buildings and their sensitive re-use. It is considered that the proposed elongated extension, internal and external alterations to the byre would have a harmful effect on the character and special interest of the listed building and the domestication of the proposal would adversely affect its setting. Therefore this proposal would be contrary to policy CC20 of the adopted Maldon District Replacement Local Plan.

- 3.1.10 The Inspector for the appeal considered that the main issue to be *'the effect that the proposed works would have on the character of the listed building as a building of special architectural or historic interest, and on its setting.'* The following conclusion was drawn *'the development would harm the special historic and architectural importance of the byre, and its setting. Thus it would also fail to respect its contribution to local character. It would be contrary to criterion (e) of Policy CC21. In addition, insufficient special justification has been put to me to explain why the proposed dwelling should be allowed contrary to national policy in PPS7.'*

- 3.1.11 A significant amount of time has passed since the determination of the previous applications and the Planning Policy Statement (PPS) has been replaced by the National Planning Policy Framework (NPPF) and the Local Development Plan (LDP) 2014-2029 has replaced the Replacement Local Plan 2005. It must also be noted that the application is not identical in nature to that submitted in 2010. Notwithstanding this, the findings of the Inspector would remain a material consideration in the determination of this application.

3.2 Conclusion

- 3.2.1 The proposed development relates to the restoration, conversion and extension of Bohun's Brye, which is a listed building that has been on the Heritage at Risk Register for 16 years. The proposal would secure the sympathetic restoration and future of a vulnerable heritage asset, which is a material consideration of considerable weight.
- 3.2.2 In addition, the Council is unable to demonstrate a five year housing land supply (5YHLS) and as set out in the proceeding sections of this report, the location of the site for the residential development is considered to be acceptable. Further, the provision of a two-bedroom dwelling would contribute to the District's housing stock.
- 3.2.3 The resulting dwelling is not considered to adversely impact the neighbouring occupiers of the site or highway safety and parking provision and an amenity area would be provided in accordance with the recommended standards. Therefore, the proposal is considered to be acceptable and the benefits of the proposal outweigh any harm identified within the report.

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
- 59-66 Delivering a sufficient supply of homes
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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
- D3 Conservation and Heritage Assets
- H2 Housing Mix

- H4 Effective use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Planning permission and listed building consent are sought for the restoration, extension and conversion of Bohuns Byre into a two bedroom dwellinghouse. The application site is located in rural area outside of the settlement boundaries of the district.
- 5.1.2 The listed building subject of this application is in an extremely poor state of repair and has been on the Heritage at Risk Register since 2004. The sympathetic restoration of this historic building and securing its optimum viable use would potentially secure the building's long-term survival and would allow it to be removed from the Heritage at Risk Register. This would be a material consideration and a public benefit of significant weight in the determination of this application.
- 5.1.3 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).
- 5.1.4 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).
- 5.1.5 Where a Local Planning Authority (LPA) 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.”***

Footnote 7 - 7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73)

- 5.1.6 At the heart of the NPPF is a presumption in favour of sustainable development (the ‘presumption’) which is central to the policy approach in the Framework, as it sets out the Government’s policy in respect of housing delivery within the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces those Local Plan policies that do not comply with the requirements of the NPPF in terms of housing delivery. In addition, leading case law assists the LPA in its application of NPPF policies applicable to conditions where the 5 year housing land supply cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).
- 5.1.7 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’.
- 5.1.8 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 and relevant policies in the Local Plan.
- 5.1.9 There are three dimensions to sustainable development as defined in the NPPF. These are the economic, social and environmental roles. The LDP through Policy S1 reiterates the requirements of the NPPF but there are no specific policies on sustainability in the current Local Plan. Policy S1 allows for new development within the defined development boundaries. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. However, because the Council cannot demonstrate an up to date five year supply of deliverable housing and on the basis that sites outside of the defined development boundaries could be judged to be ‘sustainable development’ through the three dimension tests of the NPPF, the LPA are obliged to exercise its judgement as to whether to grant planning permission having regard to any other relevant planning policies and merits of the scheme.
- 5.1.10 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'

- 5.1.11 The application site is located beyond the defined settlement boundary for Tollesbury, within the countryside and approximately 350m away from the settlement boundary of Tollesbury and 440m from the village center and its associated facilities/services. Tollesbury is defined as a larger village under Policy S8 larger villages are described as *'Defined settlements with a limited range of services and opportunities for employment, retail and education. They serve a limited local catchment and contain a lower level of access to public transport.'*
- 5.1.12 The site is within walking distance of the services and facilities within the village of Tollesbury and the proposal would not result in the unavoidable need for the use of a private car. Furthermore, no concerns in respect of the accessibility / social sustainability of the site have been historically raised by the LPA or the Planning Inspectorate and there are no significant changes to the site or surrounding area that would justifiably alter this stance. Therefore, the location of the application site is not considered to weigh against the proposal, in this instance.

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 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. The proposal would provide one two-bedroom property. Therefore, taking into account, the benefit of the proposal providing a smaller unit and the Council's current position, the proposal would make a contribution to improving the Council's housing stock. A benefit can be drawn from the proposal in this respect, although minor given the net gain of one two-bed dwelling.

5.3 Optimal Viable Use of Bohuns Byre

- 5.3.1 Policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and

any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimal viable use. Policy D3 specifically states:

‘When considering the impact of a proposed development on the significance of a designated heritage asset, the Council will give great weight to the asset’s conservation. Any harm or loss will require clear and convincing justification.’

‘Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.’

5.3.2 In addition to the above, at paragraph 79 of the NPPF it states:

‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: .. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.’

Whilst it is noted that the proposal wouldn’t result in an isolated home in the countryside, due to the presence of existing residential developments in the immediate vicinity of the site, the support for securing the optimal viable use to secure the future of a heritage asset is clear within the government guidance.

5.3.3 The application has been supported by a Viability Statement dated September 2020 and a letter from MLM Group dated 2 July 2020, which comments upon the structural works required to be undertaken to the building and the associated cost. This information has been provided to demonstrate that the optimal viable use of Bohuns Byre is a residential use. The information provided is summarised below:

- The Byre has been reviewed a number of times by third parties to establish whether any other use is feasible/viable e.g. commercial, storage workshop or office. It has been concluded that due to its internal configuration, limited parking, access and potential conflict or disturbance to neighbouring properties, the cost of converting and seeking planning consent for change of use would be prohibitive for prospective tenants.
- There are a number of essential and structural repairs which would need to be undertaken before usage of any kind.
- In 2004 budget quotations to bring to the building to a structurally sound condition were obtained from various builders, these ranged from £120k- £160k. In the opinion of the MLM Consultant this quotation sounds reasonable for that time and given the 16 years that have elapsed, those figures would need to be significantly enhanced to bring them up to current price levels.
- It could be argued that the existing sole plates, and associated foundations, would not need to be replaced for agricultural usage purposes. However, it makes no sense to carry out long term repairs to the superstructure whilst leaving defective plinth walls and footings in place.
- A farming stewardship grant in order to preserve the building for farming usage was explored following the previous refusal but the grant was not available.

- In the last 10 years there have been no requests to rent or use the building in any capacity.
- In 2004 the Byre was refused change of use to class B1 business use.
- Two examples of relatively comparable commercial buildings for rent in Tollesbury have been provided and have a rental cost of £10,500 and £7,800 per year. Given the cost (in excess of £120k-160k) and time of repairs needed to restore the Byre and that there are currently no utilities or sewage of any kind on site it is not a realistic commercial venture.

5.3.4 The above information sets out that there are several building operations required to the structure to bring the building to a useable state, regardless of the proposed use. The cost of the repairs, quoted in 2004, was between £120k-160k and given that 16 years has passed it is noted that this figure is likely to have significantly increased. To bring to building to a useable state will require significant investment, the cost of the required structural repairs is extremely likely to make it unviable to agricultural or commercial investors, particularly having regard to the rental cost of comparable units in the area, which are located more centrally than Bohun's Byre.

5.3.5 In addition, this proposal would fully and sympathetically restore the building and secure its long-term conservation. The use of the building for agricultural or commercial purposes would not necessarily require a full restoration, as highlighted above or continual investment that the use of a dwellinghouse would attract. In this respect it is pertinent to note that the Council's Conservation Officer has stated; *'In my view, a more sympathetic solution for this vulnerable historic building is unlikely to be found.'* And *'A residential use would secure the building's long-term survival and would finally allow it to be removed from the Heritage at Risk Register'*. Further strengthening the argument that residential use is the optimal viable use of this heritage asset.

5.3.6 It is pertinent to note that part of the reason for refusal of applications 10/00250/FUL and 10/00251/LBC encompassed the fact that the proposal fell foul of a specific criteria of policy CC21 of the Replacement Local Plan 2005, as it was not satisfactorily demonstrated that the building could not be used for employment use. Since the determination of the 2010 applications the Replacement Local Plan 2005 has been replaced by the LDP and policy CC21 has been replaced by policies S1 and D1, neither of these policies require that it is specifically demonstrated that the building cannot be used for employment purposes. In addition, it is considered that under the terms of this application it has been demonstrated that the cost of the repairs would prejudice the use of the building for an employment use.

5.3.7 Therefore, having regard to the information supplied by the applicant, the above assessment and the history of the site it is considered that it has been demonstrated that the buildings optimal viable use is a residential use. Therefore, the proposal would with policy D3 and the guidance contained within the LDP in this respect.

5.4 Impact on the Character of the Area and the Significance of the Listed Building

5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design seek to create a high quality built environment for all types of development.

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

“The 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 any local design standards or style guides in plans or supplementary planning documents”.

- 5.4.3 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.

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

- 5.4.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.4.6 The site is set in a small cluster of development with agricultural buildings and former agricultural workers' dwellings clustered around the farm yard at Bohuns Hall Farm. The setting of the listed building at Bohuns Byre and that of the associated historic farmstead group includes the surrounding and mainly open countryside.

- 5.4.7 The proposed development would result in the former agricultural building being converted into a single dwellinghouse with a formalised access track, parking area

and associated amenity space. The inherent domestication of the site would lead to some harm to the character and appearance of the rural area. This harm needs to be weighed against the public benefit of securing the sympathetic restoration, the optimal viable use of the listed building and the future and long term survival of Bohuns Byre, which has been on the Heritage at Risk Register for 16 years.

- 5.4.8 The main two storey element of Bohuns Byre, whilst retaining its form, is in an extremely poor state of repair the western elevation has been clad partly in proprietary boarding and partly in tarpaulin which detracts from the special character of the building. A substantial part of the timber frame was cut out from the western elevation when it was still in an agricultural use and there is extensive decay to timbers on the south elevation. The single storey outshoot to the east of the building has partially collapsed.
- 5.4.9 The application has been supported by a Design, Access and Heritage Statement, Historic Building Recording and Analysis of the Timber-Framed Byre and a Structural Investigation with Outline Schedule of Remedial Measures Required. This information has provided the applicants / agent with a good appreciation for the historic building's original design and evolution which has led the sympathetic design of the proposal.
- 5.4.10 The proposed works to the listed building includes extensive restoration and structural works to bring the building to a useable / habitable state and the rebuilding of the dilapidated eastern outshoot. In addition, two modest lean-to extensions and new and upgraded window and door openings are proposed. Internally the ground floor level would remain open plan. At first floor level partitions would be introduced and a small mezzanine level would be accommodated within the roof space.
- 5.4.11 A previous scheme to convert the building to a dwelling was refused in 2010 and dismissed at appeal in 2011 (10/00250/FUL and 10/00251/LBC) mainly because of the harm that scheme would have caused to listed building's character. The dismissed scheme sought permission for a large extension to the western elevation of the building which was double the footprint of the Byre and which the Inspector judged would be 'dominant' and 'overwhelming'. The current scheme proposes two modestly-scaled lean-to extensions on the northern and western elevations, which are sympathetic in scale and form, to the former agricultural building and would neither dominate nor overwhelm the existing building. Further, the dismissed scheme would have involved a considerable loss of part of the timber-frame, including the removal of a large section of the original first-floor structure. The proposed scheme would preserve all the original structure which exists.
- 5.4.12 In terms of the proposed window and door openings, the existing openings and areas where the timber-frame is missing would be utilised and the additional openings proposed are considered to strike a reasonable balance between the need for natural light and the established agricultural character of the building. High-level 'clerestory' style windows have been used as a device which will have minimal impact upon the building's external character. The southern elevation is most successful in preserving the original form of the listed building. Two original doorways would be reinstated with the doors pinned open to the side of these openings, restoring and reinforcing the original design of the south elevation.

- 5.4.13 Internally the ground floor would remain open-plan preserving the undivided volume of the space, it is intended to reuse the old brick paviers, which is a positive aspect of the scheme. The base of the existing staircase will be realigned, considering that the archaeological investigation established these stairs to be late-20th century in date, it is not considered that this aspect would harm the significance of the heritage asset. At first-floor level, partitions would be introduced to create two bedrooms and en-suite bathrooms. While the queen-post trusses would remain visible from within the bedrooms, their visual impact would be diminished by the partitioning. However, it is noted that the proposed layout has been designed to minimise this effect. A small mezzanine floor would be introduced to the building which would allow views of the existing bird-nesting shelves which would be retained.
- 5.4.14 The proposed change of use and physical alterations would cause some harm to the significance of the listed building. The proposed domestication of the site and the window and door openings would alter the buildings character to a degree and the sub-division of the first floor would alter the experience of the existing first floor. However, there are many positive aspects of the scheme which would benefit and enhance the existing building most notably the structural repairs, the reinstatement of timber weatherboarding on the western elevation, and the introduction of a traditional clay-tiled roof covering. The Council's Conservation Officer has been consulted for their specialist views and their comments are in line with the above assessment. In addition, it has been confirmed that the degree of the identified harm would fall well below the high threshold of 'substantial harm' and could be fairly described as limited. Paragraph 196 of the NPPF requires 'less than substantial' harm to be *'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. On balance and taking into account the that a residential use is considered to be the optimal viable use of the listed building, it is considered that the benefits of the scheme outweigh the identified harm in this instance.
- 5.4.15 Therefore, taking into account the above assessment and all the material consideration in respect of the proposal, it is considered that the limited impact of the development on the character and appearance of the area is outweighed by the improvements and restoration to the listed building, in compliance with policies S1, S8, D1 and D3 of the LDP and the government guidance contained within the NPPF. It therefore follows that the environmental strand of suitability is satisfied.

5.5 Impact on Residential Amenity

- 5.5.1 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).
- 5.5.2 The application site has one immediately adjacent neighbouring occupier to the south of the site 'Bohuns Hall' which is located around 25m from Bohuns Byre. There are two further residential properties within the immediate vicinity of the site '25-27 Church Street' which is in excess of 80m from Bohuns Byre and 'De Bohuns' which is located in excess of 120m from Bohuns Byre. It is pertinent to note that no concerns in relation to the impact on the residential amenity of the neighbouring

occupiers were raised under the previously refused application reference 10/00250/FUL.

- 5.5.3 The building is existing and would not be altered in terms of height. Whilst the footprint of the building would be extended due to the modest lean-to extensions, they are single storey in nature. Therefore, it is not considered that the proposal would result in a loss of light or an overbearing impact to the surrounding neighbouring properties.
- 5.5.4 In terms of overlooking it is noted that concerns have been raised by the surrounding neighbouring occupiers in this respect. As above De Bohuns is located in excess of 120m from the Bohuns Byre and the proposed widows would not have a direct view of this property. 25-27 Church Street is in excess of 80m from Bohuns Byre in a western direction, any direct views into the main windows or private amenity space of the existing dwelling would be mitigated given the significant separation distance. The Byre is located 25m from Bohuns Hall, at its closest point, in a north-west direction and is situated forward of the front elevation of the neighbouring property. Section C07 of the MDDG requires that where new development backs on to the rear gardens of existing housing, the distances between the buildings should be 25m. It is noted that this is a conversion and the proposal does not back onto the rear garden of the neighbouring property however, 25m is bench mark for an appropriate distance which mitigates overlooking concerns. In addition, there is existing and established vegetation which would provide natural screening between the two properties (a condition has been recommended to secure the appropriate landscaping of the site). Therefore, no concerns in relation to overlooking are raised.
- 5.5.5 The lawful use of the site is for agricultural / equestrian purposes, it is not considered that a two bedroom dwelling would result in additional traffic or noise pollution, when considering the current lawful use.
- 5.5.6 Therefore, given the above assessment, no concerns in respect of the impact of the proposal on the surrounding neighbouring occupiers are raised.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 The proposed dwelling would provide two bedrooms which results in a requirement for two off street car parking spaces. There is an area adjacent to the access track, to the west of the building, that would provide space to comfortably accommodate two vehicles. Therefore, no concerns in respect of parking provision are raised.
- 5.6.3 The access to the site would be taken through the existing access point to the Byre, it is understood that there is a right of access across the farmyard. The Essex County

Council (ECC) Highways Authority has been consulted and no concerns were raised in relation to the access to site or highway safety.

5.7 Private Amenity Space and Landscaping

- 5.7.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.7.2 The proposed dwelling would be served by an area of private amenity space which exceeds the recommended standard of 100m². Therefore, no concerns in this respect are raised.
- 5.7.3 Limited details in respect of the proposed landscaping and boundary treatments have been submitted with the application. Therefore, it is recommended that conditions are imposed to ensure full details are submitted for approval in this respect.

5.8 Ecology

- 5.8.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 5.8.2 Policy N2 of the LDP which states that:

“All development should seek to deliver net biodiversity and geodiversity gain where possible. 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.”

- 5.8.3 The application has been accompanied by an Extended Phase 1 Survey dated February 2020 prepared by Hiller Ecology. The Ecology Consultant has assessed the information and raised no object subject to three conditions.
- 5.8.4 In terms of off-site impacts, this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England (NE) advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.8.5 NE has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'ZoI' of these sites cover the whole of the Maldon District.
- 5.8.6 NE anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a Likely Significant Effect (LSE) on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.8.7 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA – NE has provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.8.8 As the proposal is for less than 100 houses and is not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE's general advice is that a HRA should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £125.58 per dwelling.
- 5.8.9 To accord with NE's requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a LSE to a European site in terms of increased recreational disturbance, as follows:

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 previously listed sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- 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.

Summary of Appropriate Assessment - as a competent authority, the LPA concludes that the project will, without mitigation, have a LSE on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £125.58 is necessary. A Unilateral Undertaking to secure the abovementioned contribution has been sent to the applicant and subject to its completion the impact of the development will be mitigated.

5.9 Planning Balance and Sustainability

- 5.9.1 With regard to the 3 tests of sustainability, in economic terms, it is reasonable to assume that there may be some support for local trade from the development, and the additional units may support local businesses within the settlement such as shops and services. This would however be limited given the scale of the proposal. Any economic benefits would therefore be considered to be minimal.
- 5.9.2 In social terms the development should assist in supporting a strong, vibrant and healthy community. The site is considered to be located in an area where there is access to facilities and is not remote from day to day services without the unavoidable need for the use of a private car. Due to the limited number of dwellings proposed the social benefits are considered to be of a minimum.
- 5.9.3 In environmental terms the accessible location of the site could offer some environmental benefits, again, by removing the unavoidable need to use private cars for access to everyday needs and services. The availability of public transport is also favourable in environmental terms. However, this would need to be balanced against the impact of the development on the surrounding area and any environmental impact that may be caused. Whilst the development would have a detrimental impact on the character of the area this is considered to be outweighed by the benefits of protecting and ensuring the long term retention of the listed building.

6. ANY RELEVANT SITE HISTORY

- **04/00131/FUL** and **04/00132/LBC** - To convert Byre to dwelling including extensions. Refused
- **05/00256/FUL** and **05/00255/LBC** - Extension to Byre and conversion to business use. Refused
- **10/00250/FUL** and **10/00251/LBC** - Change of use of Grade II Listed Building and associated outbuildings to a single dwelling. Refused and Appeal Dismissed.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Unanimously agreed to recommend refusal of this application due to the following: - The MDC Local	Noted and issues discussed within the main body of this report.

Name of Parish / Town Council	Comment	Officer Response
	<p>Development Plan and its housing policy is robust and being delivered, no new individual houses of this type are required.</p> <ul style="list-style-type: none"> - The applicant has not provided sufficient evidence that the Byre has been marketed to establish if there is any alternative possible use for the building. - The applicant has not provided sufficient evidence that no other use is financially viable. <p>Converting the Byre into a residence should be the very last option as this type of development usually does the most damage to a listed building.</p> <ul style="list-style-type: none"> - The applicant has not put forward a coherent argument that supports its approval under MDC's LDP Policies S1, S8, H4 and D3. - There is no historic impact assessment - There is a reference to the removal of 2 significant trees, there is no tree survey with the planning documents. - The footprint of the building has not changed since the previous application which was for a four-bedroom house even though the number of bedrooms on this application has reduced. A normal two-bedroom house would have a footprint of between 80-95 square meters. 	

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Historic England	We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.	Noted.
County Highways	No objections.	Noted.
Ecology	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Support the application subject to conditions.	Discussed in section 5.4 of this report.
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 **Three** 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
The proposed development will have a serious impact on our living conditions and amenity of our and other nearby properties.	Discussed in section 5.5 of this report.
Would not fall within the definition of affordable housing.	There is no requirement for the development of a single dwelling to be 'affordable'.
The application site is located outside of a defined settlement boundary if this proposal is approved it may set a precedent for other renovation and conversion of agricultural buildings in the area which are also outside of the development envelope, which would serve to undermine the LDP and NPPF's efforts.	Discussed in section 5.1 of this report.
It would be preferable to see it returned to agricultural use rather than converted to a residential dwelling.	Noted and discussed in section 5.1 of this report.
Dramatic and detrimental effect on the	Discussed in section 5.2 of this report.

Objection Comment	Officer Response
existing natural rural appearance of the site, plainly visible from public access routes.	
Overlooking concerns.	Discussed in section 5.5 of this report.
Access concerns.	Discussed in section 5.6 of this report.
Tree concerns.	A condition in this respect has been recommended.
Concerns regarding potential future alterations and extensions of the building.	The application is assessed on the information before the LPA. Any future development would be the subject of future applications, to be assessed at that time.
As a family farming next door, we have made numerous attempts to purchase or rent the barn for agricultural purposes since 2004. Most notable of these include a letter written by Stanfords on behalf of myself on 2nd August 2005 offering to lease the Byre for a reduced agricultural rent and undertake the repairs suggested by Maldon District Council at the lessee's own costs, subject to contract. I myself am still interested in the lease or purchase of the barn at current agricultural market rates using the barn for lambing in the rearing of rare breed sheep on the adjacent field.	The intentions of the objector are noted. However, no evidence to substantiate the claims or assessment of the viability of this option has been submitted and it does not outweigh the assessment contained within section 5.1 of this report.
There is no evidence to suggest that the applicants have made any effort to market the property.	Discussed in section 5.1 of this report.
The conversion of the barn into residential use, would have a damaging impact on the agricultural heritage of the building.	Discussed in section 5.4 of this report.
There has been no mention made in the submitted documents as to how the property would be screened to mitigate these impacts on the surrounding countryside.	A condition in this respect has been recommended.
Ecology concerns.	Conditions in this respect has been recommended.
Speculation on the intention of the applicants.	This is not a material planning consideration.
We have not been consulted by the owner or their consultancy team.	There is no requirement for the applicant / agent to consult the neighbouring occupiers.

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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: A18561/Loc1, A18561-Block Rev B, A18561-PP01 Rev B, A18561-PP02 Rev B, A18561-PP03 Rev B, A18561-PP04 Rev B, A18561-PP05 Rev B, A18561-PP06 Rev B, A18561/SUR01, A18561/SUR02 and A18561/SUR03.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the repair work, a report prepared by a timber-frame-repair specialist which describes the intended repair methodology and illustrates on accurate 1:50-scale drawings of the building's timber frame the extent of repair / replacement required, shall be submitted to the council for approval. The development shall be carried out in full accordance with the submitted details.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 4 Details including photographs of the roof tiles and bricks to be used in the development and information on their source of origin shall be submitted for approval prior to their use, the development shall be carried out using the approved materials and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 5 Large-scale drawings of all new windows, rooflights and doors – illustrating elevations at 1:20 and sections through head, cills and glazing bars – shall be submitted for approval prior to their installation. The development shall be carried out in full accordance with the submitted details and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 6 The new weatherboarding shall match the dimensions, profile and finish of the existing weatherboarding.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 7 All new external joinery shall be of painted timber only and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 8 All new rainwater goods shall be of cast aluminium painted black and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 9 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls including brick bond and coping brick detail, railings

and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON To ensure the boundary treatments are appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 10 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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

REASON To ensure the hard and soft landscaping are appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 11 No development above ground level shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment

- Arboricultural method statement (including drainage service runs and construction of hard surfaces)

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON To ensure the appropriate protection and retention of existing trees at the site to protect the rural area in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 12 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, February 2020) as submitted with the planning application including, but not limited to, due diligence for nesting birds, installation of bird and bat boxes, creation of a hedgehog home.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan

- 13 No development above ground level shall take place (including any demolition and site clearance) until a Biodiversity Method Statement for Protected and Priority species has been submitted to and approved in writing by the local planning authority.

The content of the method statement shall include the following:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan.

- 14 Prior to the occupation of the dwelling a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within The Extended Phase 1 Survey (Hillier Ecology, February 2020), including location of any native/wildlife friendly planting and installation of bat and bird boxes, shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

REASON To conserve and enhance protected and Priority species in accordance with policy N2 of the approved Maldon District Local Development Plan.

- 15 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).

- 16 No development above ground level shall 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).

- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than incidental outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON To protect the rural locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.

- 18 The scheme to be submitted pursuant to the reserved matters shall make provision for car parking within the site in accordance with the Council's adopted car parking standards. Prior to the occupation of the development the parking areas shall be constructed, surfaced, laid out and made available for such purposes in accordance with the approved scheme and retained as such thereafter.

REASON In the interest of highway safety and in accordance with policy D1 of the Local Development Plan.

INFORMATIVES

- a. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
- b. 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.

- c. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours
 - i. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - ii. No dust emissions should leave the boundary of the site;
 - iii. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - iv. 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.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

- d. Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively you can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk. Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.
- e. 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.

GRANT listed building consent subject to the following 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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with approved drawings: A18561/Loc1, A18561-Block Rev B, A18561-PP01 Rev B, A18561-PP02 Rev B, A18561-PP03 Rev B, A18561-PP04 Rev B, A18561-PP05 Rev B, A18561-PP06 Rev B, A18561/SUR01, A18561/SUR02 and A18561/SUR03.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 Prior to the commencement of the repair work, a report prepared by a timber-frame-repair specialist which describes the intended repair methodology and illustrates on accurate 1:50-scale drawings of the building's timber frame the extent of repair / replacement required, shall be submitted to the council for approval. The development shall be carried out in full accordance with the submitted details.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 4 Details including photographs of the roof tiles and bricks to be used in the development and information on their source of origin shall be submitted for approval prior to their use, the development shall be carried out using the approved materials and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 5 Large-scale drawings of all new windows, rooflights and doors – illustrating elevations at 1:20 and sections through head, cills and glazing bars – shall be submitted for approval prior to their installation. The development shall be carried out in full accordance with the submitted details and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 6 The new weatherboarding shall match the dimensions, profile and finish of the existing weatherboarding.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 7 All new external joinery shall be of painted timber only and retained as such thereafter.
REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.
- 8 All new rainwater goods shall be of cast aluminium painted black and retained as such thereafter.

- 9 REASON To ensure the external appearance of the development is appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF. Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls including brick bond and coping brick detail, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- REASON To ensure the boundary treatments are appropriate to the locality and heritage asset in accordance with policy D1 and D3 of the approved Maldon District Local Development Plan and the guidance contained in the NPPF.