



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
10 FEBRUARY 2021**

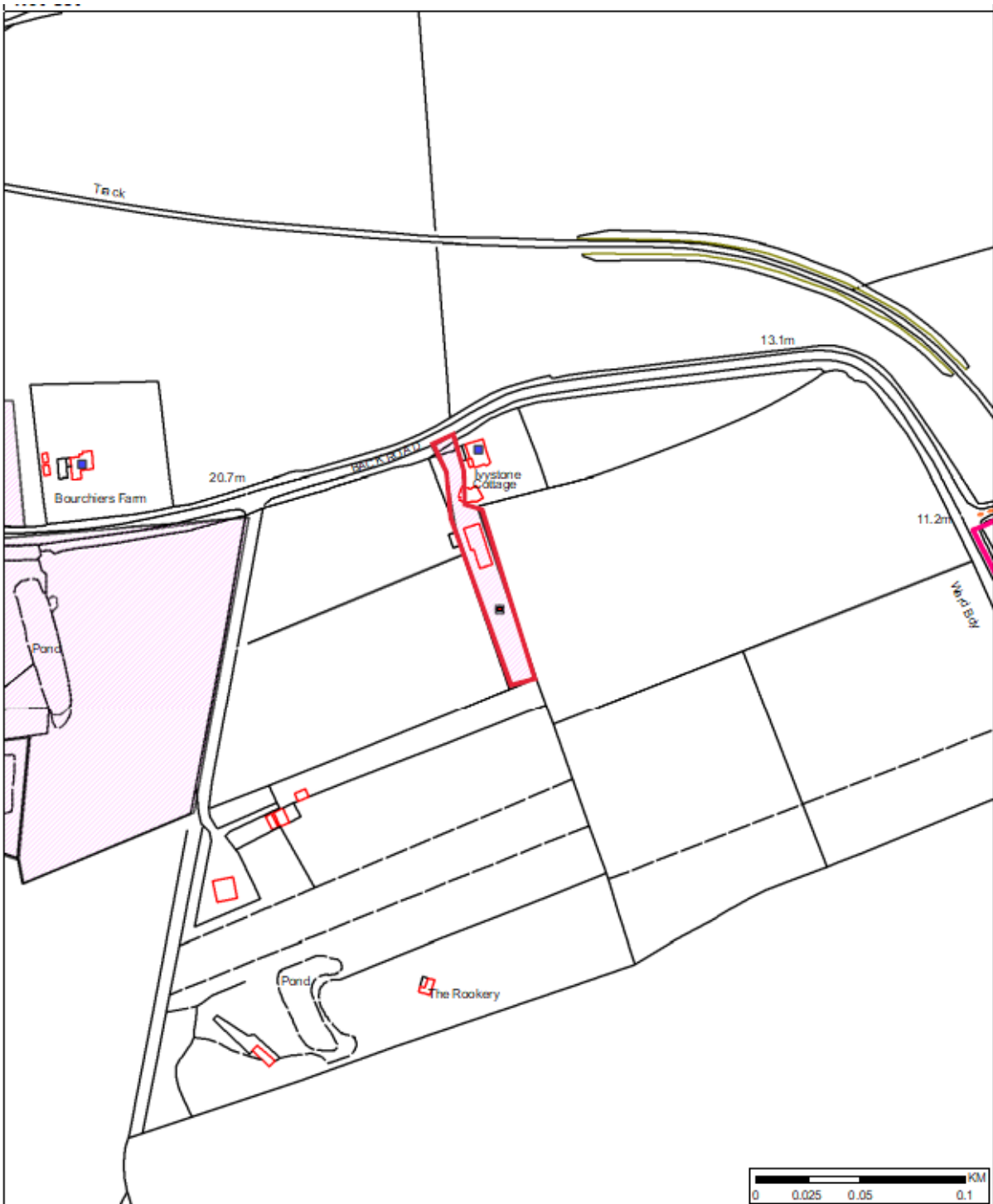
<b>Application Number</b>	<b>20/01120/FUL</b>
<b>Location</b>	Land Adjacent To Ivystone Cottage Back Road Tolleshunt D'Arcy
<b>Proposal</b>	Conversion of hay barn and stables to a dwelling
<b>Applicant</b>	Ms Helen Scott
<b>Agent</b>	Sue Bell - Sue Bell Planning Consultant
<b>Target Decision Date</b>	11.01.2021 EOT 12.02.2021
<b>Case Officer</b>	Hannah Bowles
<b>Parish</b>	<b>TOLLESBURY</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Plan


**1. RECOMMENDATION**

**APPROVE** subject to the conditions 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:	22/01/2021
	MSA Number:	100018588

### **3. SUMMARY**

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

##### Site

- 3.1.1 The application site is located on the southern side of Back Road, outside of a defined settlement boundary. The application site is accessed by a small access track which provides access to Ivystone Cottage and the barn subject of this application. The site itself is occupied by a haybarn and stables building and is laid to lawn to the north.
- 3.1.2 The surrounding area is somewhat rural in nature. However, it is noted that there is sporadic residential and agricultural/commercial development along Back Road. In particular, to the east of the application site is Ivystone Cottage, the donor property for the barn.

##### Proposal

- 3.1.3 Planning permission is sought to convert the existing hay barn/stable building into a residential dwelling.
- 3.1.4 It is not proposed to alter the external dimensions of the existing building other than increasing the height of the lean to roof on the eastern elevation from 2.3m to 3m. Alterations are proposed to the materials and the fenestration. The external finish materials would consist of a slate roof and the existing timber boarding would be replaced with new timber boarding. The windows and doors would be timber.
- 3.1.5 Five roof lights are proposed on the eastern side of the roof and French doors with windows either side are proposed on the western elevation. The existing openings would be utilised and replaced with glazed timber doors or windows. The opening on the western elevation which will provide the entrance to the proposed dwelling would be widened to provide a doorway and two full length windows.
- 3.1.6 The proposed dwelling would provide four bedrooms, two bathrooms, an open plan kitchen, dining area and lounge, a utility room and W.C.
- 3.1.7 There is an existing access point from Back Road that would be utilised by the proposed dwelling.

##### Background information

- 3.1.8 The application is a re-submission of a previous application, 19/01277/FUL, which was refused by the Local Planning Authority (LPA) and subsequently dismissed at appeal based on the absence of securing the necessary Recreational disturbance Avoidance and Mitigation Strategy (RAMS) mitigation contribution. The Inspector for the appeal concluded *‘Overall, in the absence of a means of securing the necessary mitigation in relation to the potential effect on the integrity of the Sites, the negative aspects outweigh the positive factors that the scheme would bring.’* The findings of the Inspector for the appeal, which will be discussed in detail below, are a material consideration of significant weight in the determination of this application.

- 3.1.9 The proposed scheme is identical to that proposed under the terms of 19/01277/FUL. However, the full RAMS contribution amounting to £125.58 (plus £50 monitoring fee) has been secured.

### **3.2 Conclusion**

- 3.2.1 Having taken all the relevant material considerations into account, including the findings of the Inspector for the appeal of application reference 19/01277/FUL, it is considered that the proposal would be acceptable.

## **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
- 91-101 Promoting healthy and safe communities
- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

- Maldon District Design Guide (MDDG) Supplementary Planning Document (SPD)
- Planning Practice Guidance (PPG)
- Maldon District Vehicle Parking Standards (VPS) SPD

## 5. MAIN CONSIDERATIONS

### 5.1 Principle of Development

5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the National Planning Policy Framework (NPPF) require 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 Local Development Plan (LDP).

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 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 position is set out in paragraph 11d, together with its footnote 7, 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)*

5.1.4 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 5YHLS cannot be demonstrated (*Suffolk Coastal DC v Hopkins Homes and Richborough Estates v Cheshire East BC* [2017] UKSC 37).

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 and relevant policies in the Local Plan.
- 5.1.7 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
- 5.1.8 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 As highlighted above a previous application, of a very similar nature, was dismissed at appeal. However, it is important to note that the Inspector raised no concerns in relation to the principle of the development. This decision is a material consideration of significant weight and it is not considered that there has been any policies or material considerations, since the determination of this appeal, that would outweigh the findings of the Inspector. Therefore, it is not considered that an objection on the principle of the development could be sustained at appeal.
- 5.1.10 It is also pertinent to note that at the time of the previous application and appeal the Council was able to demonstrate a 5YHLS. This matter is discussed in detail within section 5.8 (Planning Balance and Sustainability).

## **5.2 Housing Need and Supply**

- 5.2.1 Recent case law, as noted above and having regard to S38 (6), restates the primacy of the of the statutory development plan as the starting point in the determination of planning applications. However, 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 Whilst the LDP carries limited weight at present due to the lack of a 5YHLS and consequent impact on its housing delivery policies in particular (including those policies which define settlement boundaries), the NPPF is clear that housing should be provided to meet an identified need. The Council is encouraged in the policy H2 of the LDP to provide a greater proportion of smaller units to meet the identified needs and demands. In this respect, the proposal would not meet this policy requirement as four bedrooms would be provided. Therefore, this does not weigh in favour of the proposal.

### **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 any local design standards or 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;
- 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.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The visual impact of the proposed conversion of the existing agricultural building to a residential dwelling was considered as part of application 19/01227/FUL. The Inspector for the appeal found that the proposal '*would not harm the intrinsic character and beauty of the countryside*' and the impact on the character and appearance of the area by the development did not form part of the reasoning for the Inspector dismissing the appeal.
- 5.3.6 The proposal is identical to that assessed under the terms of 19/01277/FUL. There are no material changes to the site or surrounding area that would justify a change in the stance taken by the Planning Inspector. Therefore, it is considered that the proposed development complies with policies D1 and H4 of the LDP and chapter 12 and paragraph 79 of the NPPF which, amongst other criteria, seek high quality design and encourage development which would result in the re-use of disused buildings and enhance their immediate setting in the countryside.

#### **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 has one adjoining neighbouring property, Ivystone Cottage located to the north-east of the site. The northern elevation of the building subject of this application is set around 30m from the rear elevation of Ivystone Cottage.
- 5.4.3 Given the separation distance between the application building and Ivystone Cottage, the lack of first floor windows and that there is an outbuilding between the application building and neighbouring dwelling, it is not considered that the proposal would result in undue harm to the amenity of the occupiers of Ivystone Cottage in accordance with policies S1 and 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 dwelling would have four bedrooms. Therefore, there is a requirement to provide a minimum of three parking spaces. The submitted block plan shows that two parking spaces would be provided. The lack of a functional third car parking space formed a reason for refusal of 19/01277/FUL however, the Inspector for the subsequent appeal concluded:



*‘..there is space on the site for a third car to park, parallel to the end of the 2 proposed spaces. This would lead to a certain amount of double parking leading to the potential for slightly convoluted vehicle movements. However, because the spaces would all be serving one family dwelling it is not unreasonable to expect a certain degree of manoeuvring between cars in order to facilitate access and egress. The driveway and courtyard area in front of the barn would allow for such vehicle movements without affecting the highway. Back Road is a relatively narrow country lane and by its very nature would not allow for parking on the road or be likely to be used as such by future occupants.’*

5.5.3 Given the above findings of the Inspector and that the proposed scheme is identical to the previously appealed scheme, it would be unjustifiable to reach a different conclusion. Therefore, no concerns in terms of parking provision are raised.

5.5.4 There is an existing access to the site, which would be utilized by the proposed dwelling and there is space to maneuver vehicles within the site. In addition, whilst the Essex County Council (ECC) Highway Authority has not provided comments for this application, no objection was previously raised under the terms of 19/01277/FUL. Therefore, there is no objection in relation to the access or highway safety.

## **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 dwelling would benefit from private amenity space well in excess of 100m<sup>2</sup>. Therefore, there is no objection in this regard.

5.6.3 There has been no information regarding proposed landscaping submitted as part of the application. Therefore, it is recommended that a condition is imposed to secure the landscaping details.

## **5.7 Ecology**

5.7.1 The application has been supported by an Ecological Survey and Assessment dated November 2019 that concludes that there are no potential roosting places within the building and a lack of any presence of bats. Also, the barn is subject to regular disturbance and so is unsuitable for occupation by barn owls, with no evidence of the species being found. There was also no evidence of Great Crested Newts in the pond in the garden of Ivystone Cottage. Therefore, it is deemed that subject to the recommendations provided at section 10 of the Ecological Survey and Assessment, which could be secured via a condition, the proposal would not have an adverse impact on protected wildlife and the biodiversity of the site could be approved. As a result, there is no objection in terms of ecology and biodiversity.

5.7.2 In terms of off-site impacts, Natural England (NE) have advised that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated

sites scoped into the emerging Essex Coast 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. NE advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.

- 5.7.3 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 ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.7.4 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 ZoI constitute a likely significant effect (LSE) on the sensitive interest features of these designated sites through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiple 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.
- 5.7.5 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.
- 5.7.6 As the proposal is for less than 100 houses (or equivalent) and 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 £122.30 per dwelling.
- 5.7.7 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.

- 5.7.8 A financial contribution of £122.30 (and £50 monitoring fee) was paid to the LPA during the appeal process for 19/01277/FUL and the additional £3.28 required was paid during the course of this application. Therefore, the impact of the proposal on designated sites is considered to be mitigated.

## **5.8 Planning Balance and Sustainability**

- 5.8.1 It is important to recognise the balance between the Local Plan policies relevant to the development under consideration and the position of the NPPF in respect of the LDP policies now considered to be out of date due to the lack of a 5YHLS. The tilted balance is engaged in this case and hence the LPA must give significant weight to the NPPF and its fundamental position of sustainable development which is the defining purpose of the planning system, as a material consideration.
- 5.8.2 The key priority within the NPPF, stated at paragraph's 7 and 8, 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.
- 5.8.3 Notwithstanding the considerations as contained in those paragraph's, it is incumbent on the LPA, where appropriate to consider, as a matter of general planning judgment, the site specific or scheme specific reasons for refusal. However, it does mean that planning applications submitted for land which is unallocated or located outside defined settlement boundaries, as set out in local plan policies, could no longer be refused on those grounds alone.
- 5.8.4 In judging whether a residential scheme should be granted, it is necessary to set out the weight attributed to the planning benefits which the proposal offers in making up the current housing land supply shortfall, against the harm identified arising from the proposed development.
- 5.8.5 In addition to the above, the previous appeal decision at the site, for an identical scheme is a material consideration, which should be afforded significant weight.

- 5.8.6 With regard to the three tests of sustainability, in economic terms, the provision of a dwelling would provide temporary economic benefits from the construction works, and long-term benefits from the increased use of local services and facilities by the future occupants of the dwelling. These factors weigh in favour of the development, although the benefits are limited as only one dwelling is proposed.
- 5.8.7 In social terms new residential development should be located where it would support a strong, vibrant and healthy community, in an area where there is access to some local facilities without the unavoidable need for private cars. The site is not readily accessible to local services or facilities by foot or public transport, and the majority of the trips generated by the proposal would be by car. This weighs against the proposal.
- 5.8.8 In environmental terms the re-use of a disused building would make efficient use of land and the design of the proposal would enhance its setting and the intrinsic character and beauty of the countryside would not be harmed. These factors weigh in favour of the proposal.
- 5.8.9 The above assessment is in line with that undertaken by the Planning Inspectorate. The fundamental differences between the assessment of the previously refused scheme and current scheme is that the Council can no longer demonstrate a 5YHLS and that the required financial contribution to mitigate the impact on designated sites has been secured.
- 5.8.10 A further benefit can be drawn from the scheme given the lack of a 5YHLS, the proposal would contribute to meeting the Council's housing land supply. This weighs in favour of the proposal.
- 5.8.11 In respect of the RAMS contribution and as discussed in the prior sections of this report, the lack of securing the necessary contribution, at the time of the appeal, resulted in the planning balance tilting against the proposal and the appeal being dismissed. Considering that this issue has been addressed under the terms of this application and having regard to the fact that the lack of a 5YHLS provides a further benefit which was not considered at the time of the appeal, it is considered, in this instance that the benefits of the scheme outweigh the harm.

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

- **19/01277/FUL** - Conversion of hay barn and stables to a dwelling – Refused 17.02.2020 and Appeal Dismissed 18.08.2020.

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

### **7.1 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions.	Noted.

**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 shall be carried out in accordance with the following approved plans and documents: 2019-267-001 Rev B and 2019-267-002 Rev B.

REASON To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.

3 No development works above ground level shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must be carried out in accordance with the approved details and retained as such thereafter.

REASON To protect the amenity and character of the area and the countryside in accordance with policy D1 of the Local Development Plan

4 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. Hard surfacing materials;

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 that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

5 Notwithstanding the provisions of Class A, B, C, D, E and F of Part 1 of Schedule 2 and Class A of Part 2 Schedule 2 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 shall be erected within the site without planning permission having been obtained from the local planning authority.

REASON To protect the rural character of the area in accordance with policies S8 and D1 of the Maldon District Local Development Plan

6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be 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:

The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

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 ensure that the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

- 7 No development works 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 ensure that the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

- 8 Full details of the access and parking arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be completed wholly in accordance with the approved details, prior to the occupation of the development hereby approved, and thereafter permanently retained.

REASON To ensure that there is sufficient off-street vehicle parking provision in the interests of the free flow of traffic and highway safety, in accordance with Policies S1, T1 and T2 of the approved Maldon District Local Development Plan.

- 9 The development shall be undertaken in accordance with the terms and specifications contained within the Ecological Survey and Assessment for Ivystone Cottage Barn, Tolleshunt D'Arcy dated November 2019 which is attached to and forms part of this permission.

REASON In the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the approved Local Development Plan.