



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
17 AUGUST 2022**

Application Number	22/00334/FUL
Location	Land Rear of Primley Lodge, Grange Road, Tillingham
Proposal	Planning application for the erection of two polytunnels and the extension of an existing outbuilding for storage and workshop in respect to the horticultural and forestry use of the land.
Applicant	Mr Alex Whitaker
Agent	Mr Mark Jackson- Mark Jackson Planning
Target Decision Date	EOT 24.08.2022
Case Officer	Devan Hearnah
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Major application on site area.

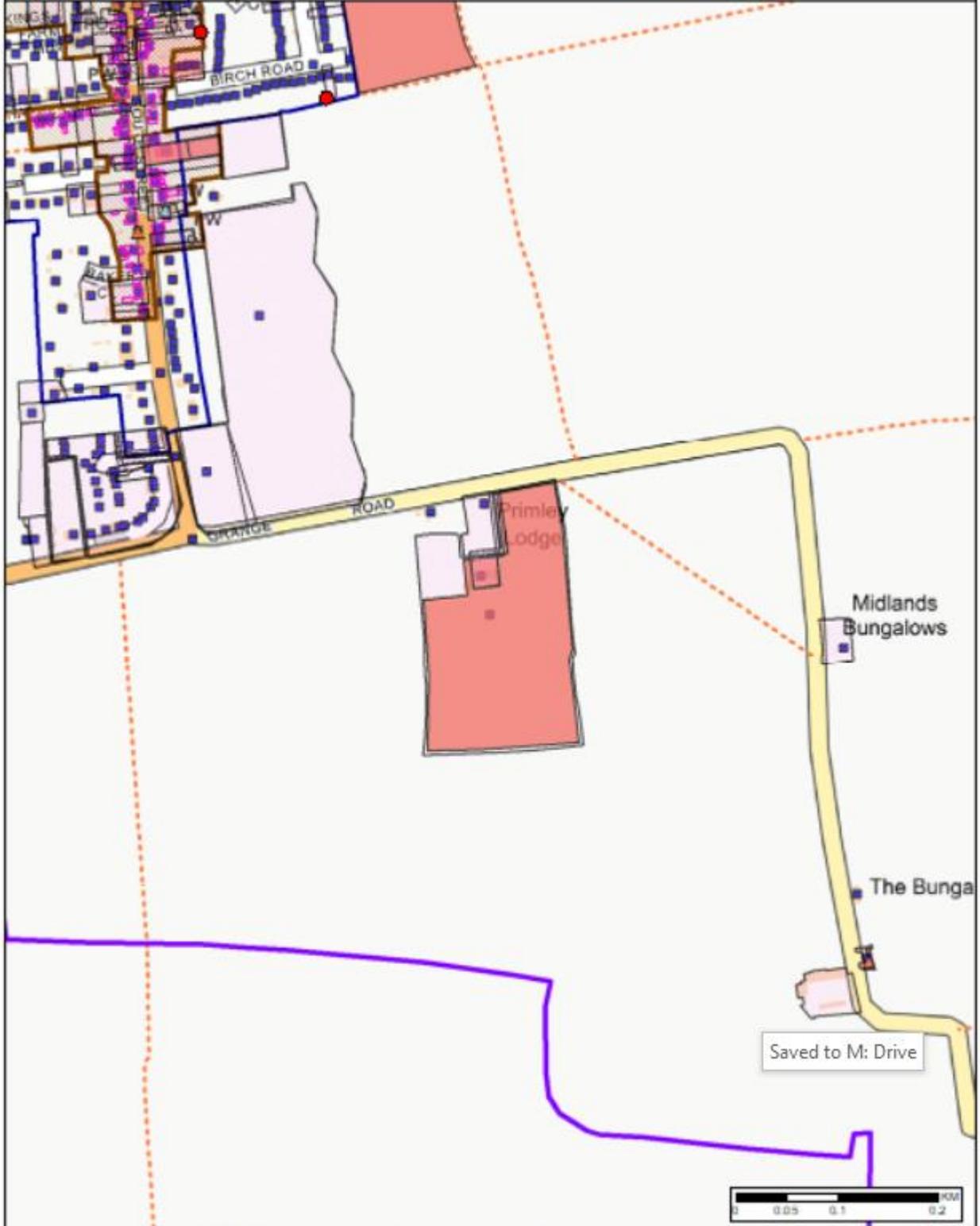
1. RECOMMENDATION

APPROVE subject to the conditions set out in section 8.

2. SITE MAP

Please see below.

22/00332/FUL
 Land Rear of Primley Lodge



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: SEAC</p>	<p>Date: 26/07/2022</p>
	<p>MSA Number: 100018588</p>	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application site

- 3.1.1 The application site is located on the south side of Grange Road, outside of the defined settlement boundary of Tillingham. The site is located on the east side and southern side of Primley Lodge, a residential property and is occupied by two existing, dilapidated agricultural buildings, and a container which does not benefit from planning permission, sited directly to the rear of Primley Lodge. There is also a pond to the rear of the buildings, with an open field to the south. The eastern part of the site consists of a track which does not benefit from planning permission and a planted Orchard area.
- 3.1.2 The surrounding area is predominantly rural in nature, with sporadic residential development along Grange Road, and the main settlement of Tillingham lies approximately 270m to the west.

Proposal

- 3.1.3 Planning permission is sought to erect two polytunnels within the north eastern part of the site and for an extension to the agricultural building on the western boundary of the site to be used as storage purposes and as a workshop in relation to the horticultural and forestry use of the land. Supporting documents, submitted as part of the application, state that it is the intention to sell the produce grown at the site such as herbs, tree saplings and honey. The Applicant has subsequently advised in an email dated 2 August 2022 that the sales will not be made from the application site but will be through farm/village shop retailers within Essex. It is estimated that the level of sales will be small scale and will consist of fruit, jams, honey and kindly, with online sales made for the saplings.
- 3.1.4 The works to the outbuilding also includes the change of materials from profiled metal clad walls to feather edged boarding. The change of materials has already been undertaken.
- 3.1.5 The proposed polytunnels will have a maximum height of 2.5m, a width of 3.5m and a depth of 15m. They would be sited 75m from the highway boundary.
- 3.1.6 The proposed extension to the existing agricultural building would be single storey and would project 7.8m from the northern elevation of the building. The extension would be 'L-shaped' with a maximum depth of 7m, an eaves height of 2.3m and a maximum height of 3m. The roof will consist of profiled metal sheeting and the walls would be finished in feather edged boarding.
- 3.1.7 It should be noted that there is another application at this site (22/00332/FUL), which is pending consideration and is presented to Members within this Agenda. Whilst not part of the consideration of this application, it is worth commenting on as the development subject of that application would provide temporary storage in the form of a container on the site, whilst the outbuilding subject of this application is developed if the permission were to be granted and would also provide a hard surfaced track through part of the site to facilitate access within the site itself and amongst the different elements.

3.1.8 The application has been supported by a covering letter, Design and Access Statement (DAS) and a supporting letter from the Applicant, which contains the following information relevant to this application:

- The future use of the smallholding is to set aside 6 acres of the total area for woodland in the south field in a rewilding context, which includes an element of a harvestable wood crop. The area will develop into a harvestable crop within an approximate 10 year cycle.
- Connected will be the provision of facilities for a seed bank, the growing and selling of herbs and the sale of sapling trees.
- A fruit orchard is being planted in the north, which will comprise of approximately 100 fruit trees. The fruit crop and associated products are hoped to be sold locally.
- Beehives have already been installed. The honey will be made available for sale to the general public.
- 10kg of meadow flower has been invested in the front field to compliment the orchard and the bees.
- The existing buildings have an established agricultural use as determined by appeal APP/X1545/A/14/2218637
- To the periphery of the site is an established track which has been resurfaced and is shown as existing in 2005 Aerial photography.
- The former use of the site was Agriculture and this use is in line with the Government's objectives for farming into the future.
- The landscape recovery and local nature recovery schemes are linked to the agricultural transition that is occurring.
- The Applicant will only bring one vehicle onto the site and very occasionally might a tractor or mini digger be brought onto the site.

3.2 Conclusion

3.2.1 The proposed polytunnels, extension to the outbuilding and its change of materials is not considered to demonstrably impact on the character and appearance of the site and countryside because the proposal would be of an agricultural character and would be sufficiently screened from the public realm. Furthermore, subject to conditions it is not considered that the development would have demonstrable impacts on neighbouring amenity and nor would it cause demonstrable impacts on the local highway network. Therefore, subject to conditions including those relating to tree protection, operating hours and ecological impacts it is considered that the development 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 2021 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
- 54-58 Planning conditions and obligations

- 84- 85 Supporting a prosperous rural economy
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 126-136 Achieving well-designed places
- 152 – 169 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- D2 Climate Change and Environmental Impact of New Development
- E4 Agricultural and Rural Diversification
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Policy S8 of the Local Development Plan (LDP) states that planning permission for development outside of the defined settlement boundaries, garden suburbs and strategic allocations will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted on and provided it is for one of a number of stated uses. Of relevance to this proposal is that agricultural and forestry related development in accordance with Policy E4 is deemed to be an acceptable development in the countryside.

5.1.2 It has been accepted previously that the application site has an historic agricultural use. Furthermore, it is accepted that the use of land for agricultural, horticultural or forestry related uses does not require planning permission. Therefore, on this basis it is necessary to consider the provision of the polytunnels and extension to the existing building in relation to Policy E4 of the LDP, but the use of the land itself for the planting of a woodland, a meadow, orchard, and bee keeping does not require further consideration.

5.1.3 Policy E4 states that the Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses so long as:

- 1) There is a justifiable and functional need for the building / activity
- 2) The function of the proposed building / activity is directly linked, and ancillary to, the existing use; and
- 3) The building / activity could not reasonably be located in existing towns, villages or allocated employment areas.

5.1.4 The proposed polytunnels are required in order to assist in the growing of herbs and tree saplings, which will be harvested from the 'mother' trees in the rear field and then sold. The Applicant states that this part of the project relies solely on the polytunnels to complete and is pivotal to the generation of an income. In this respect it is accepted that there is a justifiable and functional need for the polytunnels, as they would provide an area to grow the saplings from within and would support the financial viability of the business. Furthermore, whilst the Applicant's Agent has advised it is not the intention to sell the produce from the site, the courts have held that retailing is regarded as ancillary to the primary agriculture / forestry use provided that the only products to be sold are grown at the holding. Therefore, there would be the potential to sell the produce from the site in the future without the need for express planning permission. There is no evidence submitted as part of this application to suggest that any products that are not grown on the holding would be sold from the site and as such it is considered that there is a direct and ancillary link between the agricultural and forestry use of the site and the proposed polytunnels. This could be secured via a condition. Likewise, given that the seedlings will be grown at the site, and that polytunnels are an agricultural structure, usually found within countryside locations, it would not be considered reasonable to expect them to be provided within an existing, town, village or employment area. The proposal is far better suited to the rural area and would not be a compatible town centre use.

5.1.5 The purpose of the extension to the outbuilding is to provide secure on-site storage for machinery and field management. It is accepted that the proposed activity on the land will require some equipment and machinery in order to be able to operate, and it is reasonable to expect there to be a secure location within the site to store these elements. Currently, the existing buildings are not of a size or condition to be able to provide the degree of storage likely needed to facilitate the functionality of the land in the interim. Furthermore, as the purpose of the extension is to store equipment directly related to the agricultural and forestry activities on the site, the extension is considered to have a direct and ancillary link the use of the land. Likewise, the machinery needs to be located in close proximity to the land in order for equipment and machinery to be readily available and as such it is not considered that the activity could be reasonably located in existing towns, villages or allocated employment areas. Further to this, the extension is not overly large or dominant and is largely screened from public view and would not provide a provision over and above what can reasonably be expected to be required on the site.

5.1.6 For the reasons given above it is considered that the principle of development is acceptable.

5.2 Landscape and Visual Impact

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

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 of the LDP and is found within the Maldon District Design Guide (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 The proposed polytunnels would be situated within the south eastern corner of the site. They would be visible to some degree from Grange Road and the public footpath that runs in a south easterly direction within the neighbouring field. However, the hedge to the front of the site and along the eastern boundary provides some screening of the development and the polytunnels would be situated a minimum of 75m from the public highway. Therefore, it is not considered that the development would be prominent within the public realm. Furthermore, polytunnels are considered to be a feature which is characteristic of the countryside and therefore would not be considered to look out of place within this countryside setting.
- 5.2.5 Whilst the proposed extension to the outbuilding would more than double the existing width of the building, it would have a smaller depth and its 'L-shape' nature would reduce the overall bulk. Furthermore, the extension would have a lower ridge height than the highest part of the existing building and therefore, the extension would appear subservient to the existing building. In addition, the building would be located to the rear of the existing properties fronting Grange Road and is well screened by vegetation. As a result, it would not be highly prominent from within the public realm. There could be some glimpses of the building looking southwest from Grange Road, particularly during winter months when vegetation is sparse, but given that the building is set back a significant distance from the road and the agricultural character of the building, it is not considered that the development would be out of keeping with the wider character of the area and therefore, would not harm the intrinsic character and beauty of the countryside to a demonstrable degree.
- 5.2.6 In addition to the above, the change of materials from corrugated sheeting to feather edged boarding is considered to maintain the agricultural character of the building and would be a visual improvement to the building.
- 5.2.7 It was noted on the site visit that the existing building has windows in the northern elevation, which appear to have been implemented as part of previous works. However, these are not shown on the existing plans and proposed plans and therefore, if the application were approved would not form part of the planning permission.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site lies adjacent to Primley Lodge, whose boundary adjoins the north, east and west boundary of the site. The proposed polytunnels would be located 72m from Primley Lodge and 33m from the shared boundary and the proposed extension to the outbuilding 20m from the boundary and 68m from the neighbouring dwelling itself.

- 5.3.3 The proposed development is not expected to cause overlooking or a loss of privacy, nor is it expected to have an overbearing impact on the neighbouring occupiers. The Applicant's Agent has advised in an email dated 2 August 2022 that there will be no sales made direct from the site. Nevertheless, as noted above, sales of goods grown on the holding could be sold from the site without the need for express planning permission. Therefore, as the polytunnels would facilitate sales from the business, there is a reasonable potential that sales could be made from the site in the future, regardless of whether it is the current intention of the application. Consequently, there is a potential for noise disturbance resulting from the development due to traffic movements created by those who may visit the site to purchase goods, and as a result of the equipment and machinery used as part of the proposal. However, in terms of the equipment and machinery, it has already been established above that the activities on site could be undertaken without the need for express planning consent. Therefore, regardless of the provision of the elements that require planning permission (the extension to the outbuilding and polytunnels) the works could take place regardless. Therefore, it would be unreasonable to object on the basis of the level of activity on the site. Likewise, as discussed, the sale of goods produced at the site also does not require planning permission. However, the proposal could facilitate a more intensive use of the site if the site were to function as a 'Nursery' with a sale of goods. Nevertheless, it is not considered that the polytunnels and extension to the outbuilding would intensify the use during the infancy of the business to such a degree which would result in demonstrably harmful impacts on the neighbouring occupiers by way of noise, particularly as the sale of goods, if to occur at the site would likely only operate during sociable hours and the business will only employ one full time employee. On this basis, it is not considered that there would be reasonable grounds to object to the proposal due to impacts on neighbouring amenity.
- 5.3.4 Notwithstanding the above, it is noted that the business is in its infancy and there is the potential for increased sales and visits to the site as the business matures and production improves, which could have a demonstrable impact on neighbouring occupiers, particularly Primley Lodge closest to the Polytunnels, by way of noise. Therefore, it is considered reasonable and necessary to impose a condition requiring opening hours to be agreed and also for a noise management plan, particularly given that sales could take place at the site without the need for express planning consent.

5.4 Access, Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment. Similarly, policy D1 of the approved LDP seeks to maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse-riding routes.
- 5.4.2 The application site is accessed via Grange Road within the northern part of the site. There is a separate application pending which considers the provision of a hard surfaced track to provide access to the outbuilding. However, even without the provision of the hardstanding, there is an existing access to the site. No alterations are proposed to this access and it is considered sufficient to serve the proposal.
- 5.4.3 In relation to vehicle movements, the supporting statement suggests that only one vehicle will be accessing the site, and on occasion a mini digger or tractor may be brought onto the site, with no larger vehicles being required; although this information, does not consider the sale of goods from within the site. However, as stated within the previous section of the report, it is noted that the sale of goods from the site could take place without express planning permission and it is not considered that the polytunnels would intensify the use of the site to such a degree which would be considered to result in a significant increase in vehicle movements that would

impact demonstrably on the local highway network. Therefore, for these reasons it is considered that the development would be in accordance with policies D1 and T2 of the LDP.

5.5 Impact on Ecology and Biodiversity

- 5.5.1 Policy N2 of the LDP 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”. Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.5.2 The application has been supported by an Extended Phase 1 Survey (March 2022) the findings of which are largely agreed with. However, the survey only includes intentions such as the planting of the Orchard and a second pond creation. However, these are not recommendations in the Phase 1 Survey or firm commitments. Therefore, it is considered that a Biodiversity Enhancement Strategy should be secured by a condition, requiring information such as specific details of the secondary pond size, number of nest boxes to be installed, numbers and varieties of Orchard trees, margins for minimal intervention management of southern area boundaries (noted for small mammals & raptors), and artificial bat roost options to the outbuilding re-build/extension. It should also include some of the positive actions take to date observed in the report such as the installation of Beehives and set aside grassland, and should identify additional enhancements to these.
- 5.5.3 It is also considered that there should be an investigation into the potential to remove some of the numerous Willow trees to reduce the quantity of water being abstracted and shading the pond area and consideration to committing to avoiding fish stocking the current pond at any point.
- 5.5.4 The Applicant’s Agent confirmed in an email dated 20 June 2022 that the Applicant will be able to implement the additional biodiversity requirements. However, this did not provide the detail required in relation to the above points and therefore, following consultation with the Council’s Ecological Consultant it is considered that conditions requiring a Biodiversity Enhancement Strategy should be included on any approval. Subject to these conditions, it is considered that the development would not demonstrably impact on biodiversity to a degree that would warrant refusal of the application.
- 5.5.5 It is noted that there have been a number of public comments received concerning impacts on Great Crested Newts and potential Badger Setts. In relation to Great Crested Newts, it is unlikely that the pond is suitable for a breeding population and would score very low on the Habitat Suitability Index. However, it may be used by individuals commuting or foraging when it holds water and so suitable precautions, and mitigations must be in place to deal with their presence prior to any works taking place on site should they be discovered. This can be secured by way of a condition.
- 5.5.6 In relation to Badgers, the Preliminary Ecological Appraisal (PEA) noted that the site may be suitable for the species, but no indicators were found within the development site. Furthermore, given that the walkover survey was undertaken in March 2022 it is considered to be up to date. Therefore, given the extent of the works and the findings of the PEA it is not considered it would be reasonable to impose a condition in this regard.

5.6 Arboricultural Impacts

- 5.6.1 The application has been supported by an Arboricultural Report and Implications Assessment dated 10 April 2022. However, the tree report is not in accordance with the requirements of BS5837:2012 and therefore, insufficient detail has been provided to show the constraints of the trees in relation to the proposal, and how they will be suitably protected given that new structures are proposed. However, following consultation with the Council's Arboricultural Consultant it is considered that the trees to be retained within the site can be suitably protected, but a tree report by a suitably qualified arborist in accordance with BS5837:2012 should be provided to include a scaled tree protection plan showing the constraints of the trees to be retained, locations of protective fencing, ground protection, arboricultural supervision and frequency. It will be necessary for this condition to be a pre-commencement condition because it would not be possible to ensure the trees are suitably protected once the works have commenced.
- 5.6.2 The proposal includes the removal of two Silver Birch trees to facilitate the extension to the workshop. Given their siting to the rear of Primely Lodge and that there is other intervening vegetation between these trees and the highway, it is not considered that the loss of the trees will have a demonstrable impact on the amenity of the surrounding area. The Council's Arboricultural Consultant has advised that the Birch trees should be compensated for in order to soften the impacts of the development from the surrounding area. However, given that the loss of the trees will not have a demonstrable impact on the amenity of the surrounding area and that the extension to the outbuilding will not be highly visible within the surrounding area, it is not considered that a condition requiring their replacement would meet the six tests of planning conditions, in that it would not be reasonable or necessary, particularly as there is other planting taking place in other areas of the site.
- 5.6.3 Considering the above, subject to a condition, it is not considered that the proposal will have a materially harmful impact on the existing trees within the site to a degree which would demonstrably impact on the character and appearance of the area or the ecological credentials of the site.

5.7 Flood Risk and Surface Water Drainage

- 5.7.1 The application site lies within Flood Zone 1 and has a low risk of groundwater and reservoir flood risk, but due the development site being greater than 1ha in area, a Flood Risk Assessment (FRA) has been submitted.
- 5.7.2 The FRA find that the proposed extension to the outbuilding and polytunnels would be located in areas of the site that are at a very low risk of surface water flooding (less than 1 in 1,000 year probability). There is a small area along the informal access track which is located with the medium and low risk extent (between 1000 years and 30 years). During the worst-case low risk events 14m of the informal track would be considered hazardous. However, this could be suitably managed by avoiding the part of the track that falls within this area and there will be safe exit from the site via other parts of the track or field onto Grange Road. Therefore, there is no objection in relation to existing flood risk.
- 5.7.3 The FRA recommends that infiltration devices such as soakaways are used to drain the extension and polytunnels, which could be secured by a condition. However, given that the Lead Local Flood Authority and Environmental Health have not raised concerns on this matter, and given the limited scope of the development, with little hard surfacing to significantly increase flood risk, it is not considered that the conditions would be reasonable or necessary.

5.7.4 Considering the above, the proposal is considered to be in accordance with Policy D5 of the LDP.

5.8 Pre-commencement Conditions

5.8.1 A Pre-Commencement condition is recommended and approval for the use of the use of these conditions has been sought from the Applicants Agent. Update on this will be provided by way of a Members' Update.

6. ANY RELEVANT SITE HISTORY

- **14/00067/FUL** - removal of existing outbuilding and construction of new detached single storey dwelling – refused and appeal dismissed.
- **22/00332/FUL** - Retrospective planning application for the change of use of land for the siting of a storage container in respect to the horticultural and forestry use of the land and resurfacing of an existing farm track.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish/Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	No response received at the time of writing this report	Noted, any updates will be reported through the Members update process.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No response received	Noted, any updates will be reported through the Members update process
Environment Agency	No response received	Noted, any updates will be reported through the Members update process
Lead Local Flood Authority	The development does not pose a significant flood risk. There is not a significant change to the area of hard standing associated with the site or opportunities to deliver new SuDS features. Therefore, no formal comment to make	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment to make	Noted
Tree Consultant	<p>The submitted tree report is not in accordance with BS5837:2012 and so there is insufficient detail to ensure the protection of the trees and their constraints. However, it is feasible that the trees could be suitably protected. As such, a pre-commencement condition is required seeking a tree report by a suitably qualified arborist in accordance with BS5837:2012 is recommended.</p> <p>A soft landscaping scheme can also be secured by a condition to enhance the amenity of the site and ecological potential of the site.</p>	Addressed at section 5.6
Ecology	<p>No objection subject to conditions requiring:</p> <ul style="list-style-type: none"> - A Biodiversity Enhancement Report - Further badger surveys - Great Crested Newt mitigation measures 	Addressed at section 5.5 of the report

7.4 Representations received from Interested Parties

7.4.1 24 letters of objection have been received. The reasons are summarised in the table below:

Objecting Comment	Officer Response
No evidence of agricultural practices taking place on site for the past 4 years	Agricultural practices do not require planning permission and there is no evidence to suggest another use has been undertaken at the site which would mean that there has been a change of use from agriculture to another use.
There is no financial justification or business plan to support the proposal	Addressed at section 3.1
A seed bank would require a large	Any additional buildings or works that fall

Objecting Comment	Officer Response
industrial premise	outside of agriculture would require planning permission
The track is new and not resurfacing.	The track does not form part of the consideration of this application
Great Crest Newts can be found at Bluebell Cottage close to the site	Ecology is addressed at section 5.5
No bee keeping activity takes place	The application must be assessed on what is being proposed.
The outbuilding/workshop has never had an agricultural use. There has been no storage of agricultural equipment on the site for years.	The planning history of the site, including an Inspectors report considers the building to be an agricultural building and it falls within agricultural land.
There is a large badger set to the south of the new Bluebell Spinney	Ecology is addressed at section 5.5
A full tree survey should have been undertaken.	Arboriculture is addressed at section 5.6
There is no provision of foul sewage for workers at the site	This can be dealt with by way of a condition
Concerns raised in relation to the current use of the land.	The application can only assess what is being proposed
The agricultural shed to be replaced had mostly fallen down 20 years ago, but was not used for agricultural purposes.	Aerial photography shows that the building was in place from as far back as the record goes to the year 2000
Consideration should be given to the value of green spaces.	The proposal would result in limited built form and would therefore not erode a significant amount of green space. Furthermore, the proposal is commensurate with the rural area.
Previous application at the site was refused due to an absence of a driveway onto the land.	It is not considered that the proposal would require a driveway onto the land. An agricultural use is a different consideration to a residential use.
If approved the development could provide a precedent for residential development as the services will be in place for them to connect to.	Each application must be assessed on its own merits and the proposal is not for residential development.
Highway safety concerns	Addressed at section 5.4
Impacts on the character and appearance of the area	Addressed at section 5.2
Impacts on neighbouring amenity by way of noise and pollution.	Addressed at section 5.3
The removed hedgerows and trees should be re-instated.	Arboriculture is addressed at section 5.6

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 accordance with the following approved plans and documents: 22/1701/01, 22/1901/02, 22/1901/03, 22/1901/04, 22/1901/05, 22/1901/06, 22/1901/07

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

3 The external surfaces of the building(s) shall be constructed of the materials specified on Plans 22/1901/05 and 22/1901/07

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4 The polytunnels hereby approved shall only be used for forestry or horticultural / agricultural purposes.

REASON: To ensure the appropriate use of the site within the rural locality in accordance with policies S1, S8 and E4 of the approved Local Development Plan and national policies contained within the National Planning Policy Framework.

5 No development 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: In the interests of the amenity of the area in accordance with policy D1 and N2 of the Maldon District Local Development Plan

6 Prior to the first sale of goods from the development hereby approved, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: In the interests of neighbouring amenity in accordance with Policy D1 of the Maldon District Local Development Plan.

7 Prior to the first sale of goods from the development hereby approved, the operating hours of the retail element of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. The retail element shall only operate in accordance with the agreed hours.

REASON: In the interests of neighbouring amenity in accordance with Policy D1 of the Maldon District Local Development Plan.

8 Prior to works above ground level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;

- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;
- d) Persons responsible for implementing the enhancement measures;
- e) Details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter. The Biodiversity Enhancement Strategy content outlined above will include, but not be restricted to the specifics as follows:

- (a) the secondary pond (size/location), profile and any associated marginal/aquatic soft planting
- (b) number & location of nest boxes to be installed in boundary hedge/trees
- (c) numbers, varieties and map layout of Orchard trees to be planted - including tree sizes, indicative planting style (pit/slit etc), and any staking/watering requirements
- (d) area & locations of margins for minimal intervention management of southern area boundaries (noted for small mammals & raptors), and definition of 'minimal intervention' in the context
- (e) artificial bat roost options to the outbuilding re-build/extension.
- (f) Number of pre-existing and to-be-installed of (Honey) Bee Hives & mapped location.
- (g) Number and location of Solitary bee hives to be installed.
- (h) Area of existing set aside grassland, current maintenance regime, and indicative management program (for minimum of 5 years)
- (i) Avoidance of any fish-stocking or introduction to the current pond or second 'new' pond, in order to benefit native wildlife species & naturalisation.

REASON: In the interests of ecology in accordance with Policy N2 of the Maldon District Local Development Plan

- 9 Prior to works relating to the erection of the outbuilding commencing, a scheme proposing suitable mitigation and precaution measures to protect Great Crested Newts should they be discovered on site, shall be submitted to and improved in writing by the Local Planning Authority.

REASON: In the interests of ecology in accordance with Policy N2 of the Maldon District Local Development Plan

- 10 Only goods produced on the holding shall be sold at the site unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development relates to the planning permission granted.

- 11 No floodlighting or other external form of illumination of the site shall be undertaken without the express consent of the Local Planning Authority.

REASON: In the interests of the character and appearance of the area, neighbouring amenity and ecological features, in accordance with policies D1 and N2 of the Maldon District Local Development Plan.

- 12 The polytunnels hereby permitted shall be demolished to ground level, all materials resulting from the demolition shall be removed and the land shall be returned to its condition prior to the erection of the structures within twelve (12) months of the date they cease to be used for horticultural or agricultural purposes.

REASON In order to avoid the presence of derelict structures in the interest of protecting the character and appearance of the area in line with local policies S1, S8 and D1 of the approved Local Development Plan and national policies contained within the National Planning Policy Framework.