



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
14 OCTOBER 2026**

Application Number	26/00506/FUL
Location	Downhall Yard, Downhall Road, Bradwell on Sea, CM0 7QP
Proposal	Construction of two replacement buildings to create 10 Commercial Units (Retrospective) together with demolition and rebuilding of the toilet block and associated car parking and landscaping.
Applicant	Mr A Thurtle – Portflair Ltd
Agent	Ms Sarah Threlfall – TMA Chartered Surveyors
Target Decision Date	21 October 2026
Case Officer	Hayley Sadler
Parish	Bradwell on Sea
Reason for Referral to the Committee / Council	Member Call In Cllr Neale has called in the application for the following policy reasons: LDP policy S8 (Settlement Boundaries and the Countryside), E1 (Employment), D1 (Design Quality and Built Environment), D2 (Climate Change & Environmental Impact of New Development)

1. RECOMMENDATION

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see below.

26/00506/FUL – Downhall Yard – Downhall Road –
Bradwell on Sea – CM0 7QP



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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the eastern side of Downhall Road outside the settlement boundary of Bradwell on Sea. The site is occupied by an area of previously undeveloped land. The area has mostly been cleared, and ten commercial units have been constructed.
- 3.1.2 Planning permission is sought for the construction of two replacement buildings to create ten commercial units. This element of the proposed development has been constructed and therefore is retrospective in nature. Permission is also sought for the demolition of the existing toilet block and construction of a new toilet block, associated car parking and landscaping, which would include the re-use of an additional access.
- 3.1.3 Block 1 of the commercial units measures 36 metres in width, 8 metres in depth, an eaves height of 4 metres and a ridge height of 5 metres and is split up into six units. Block 2 of the commercial units measures 28 metres in width, 8 metres in depth, an eaves height of 4 metres and a ridge height of 5 metres and is split up into four units. Both blocks have a pitched roof and have been constructed with powder coated black metal sheeting walls, powder coated anthracite metal sheeting roof with double skin roof lights and grey doors and roller shutter doors.
- 3.1.4 The proposed toilet block would measure 13.5 metres in width, 5.5 metres in depth and maximum height of 3.3 metres, the building would have a pitched roof and would be split into two sections (one male, one female), four windows are proposed to the front elevation and two single doors are proposed to each side elevation. Each section will have toilets, including an easy access toilet, tea point, toilets/urinals, wash basins and shower. The building will be constructed with colour washed rendered walls, powder coated anthracite steel sheeting roof and white UPVC doors and windows.
- 3.1.5 The proposed car parking includes two double car parking spaces to the front of each commercial unit and the addition of three disabled car parking spaces for use of staff and deliveries. A central row of customer parking bays are proposed which includes a provision for three electric car charging points.
- 3.1.6 The proposed landscaping works include three indicative landscaping areas to meet Biodiversity Net Gain and enhanced native hedgerow to the front (west) boundary and an area of trees/shrubs. A 2.3 metres high palisade fence has been installed along the north and eastern boundaries, with the 1.8 metre brick boundary wall to be retained along the southern boundary.

3.2 Conclusion

- 3.2.1 The application seeks to introduce commercial units in an unsustainable location outside any defined settlement boundary and is therefore not a suitable location for commercial development. As submitted, there is limited information on intended occupiers of the units, and in the absence of such the impact on residential amenity is unable to be quantified, but there is concern that noisy operations could take place close to established residential properties. Furthermore, the proposed access runs adjacent to a residential dwelling, and the proposed boundary treatment of a palisade fence is not considered to mitigate any harm.

- 3.2.2 The proposed car parking layout does not make provision for lorries, which may be required to serve the site. In the absence of dedicated parking, it is considered that there could be conflict between the free flow of vehicles and parking for the units

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework including paragraphs:

- Chapter 3 Decision-making policies
 - DM3 Determining development proposals
 - DM6 Use of planning conditions and obligations
- Chapter 4 Achieving Sustainable Development
 - S3 Presumption in favour of sustainable development
 - S4 Principle of development within settlements
 - S6 Neighbourhood plans and the presumption
- Chapter 12 Making effective use of land
 - L2 Making effective use of land
- Chapter 14 Achieving well-designed places
 - DP3 Key principles for well-designed places
- Chapter 15 Promoting sustainable transport
 - TR6 Assessing transport impacts
- Chapter 17 Pollution, public protection and security
 - P2 Ground conditions
 - P3 Living Conditions and pollution
 - F7 Ensuring development is safe from flooding
- Chapter 19 Conserving and enhancing the natural environment
 - N2 Improving 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
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with the adopted Development Plan unless material considerations indicate otherwise,

pursuant to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- 5.1.2 The site lies outside the defined settlement boundaries. Policies S1 and S8 seek to protect the intrinsic character and beauty of the countryside while allowing development falling within specified categories and supported by other policies of the Local Development Plan (LDP). Policy E1 encourages employment generating developments and investments in the district to support the long term growth vision. E1 states:

'This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies in this Plan.'

Allocating additional employment sites at high quality and accessible locations will provide increased choice and competition for the market. It will also ensure long term flexibility for the plan period.'

The application site is not listed within Policy E1 as either having an existing employment use or listed in the proposed employment development sites.

The applicant is relying on the proposed commercial use of the site as a result of the site being rated as 'Red' in the Housing and Economic Land Availability Assessment (site BRS1) in October 2023 as being unsuitable for residential development and taking the 'Red' rating as indicative that the Local Planning Authority (LPA) would seek use of the site for commercial purposes. The site as detailed within the submitted Economic Statement has not been in use since the mid 2000's when the previous occupiers 'Supagas' occupied the site as an LPG bottling, gas filling and storage facility.

- 5.1.3 The proposal has replaced the now demolished brick buildings with the exception of the toilet block which is the application is approved would be replaced. The application form refers to the existing use as falling within a Commercial/General Industrial B2 use. No details of the proposed usage of the site as a whole or the usage of the individual units has been provided. The Economic Statement states that a number of businesses have shown an interest in using the units, which include a garden machinery workshop, dog groomer, domestic upholsters, marine repairs and classic car repairs. These usages would fall within a number of varying use classes and they potential usages would produce differing noise levels, usage levels, odours and differing levels of deliveries, which would make it almost impossible to be able to impose restrictions on the site to mitigate harm to the surrounding dwellings and area.
- 5.1.4 Policy S7 seeks to support and facilitate sustainable economic development within the villages, it supports the provision for small and micro business space, however this is inline with the retention of key employment sites in accordance with policy E1, which this is not listed as. The Council's economic development team have been consulted on the application. No objection is raised to the development proposed, as it would result in employment opportunities and support local economic growth, which would be in line with Policy E1. Whilst these comments are noted, due to the insufficient information provided on the proposed usage of the units, there is not sufficient information to determine if the development would be inline with the adopted policies.

- 5.1.5 It is considered that the development is not acceptable and the principle of development as use as a commercial site is not accepted and therefore would be contrary to Policies, S1, S7, S8 and E1 of the Maldon District LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy D1 requires development to respect and enhance the character and local context, including its architectural style, scale, form, materials, layout and landscape setting. Policies S1 and S8 also seek to protect the intrinsic character and beauty of the countryside.
- 5.2.2 The commercial units on site and the proposed new toilet block have the appearance of commercial units often found in urban industrial estates and established rural commercial sites, they are of a height that appear from the plans submitted to be of the same height and footprint, albeit of a modern design to what was present previously. The units are all located along the southern boundary and following further clearance works towards the entrance would become visible from within the streetscene of both Downhall Road and Trusses Road. Whilst it is noted that there have been buildings on site, the site has been effectively in an abandoned state for a number of years. The application site is located within an area which is a mix of rural and residential, with the main settlement boundary to the south. There are no other commercial sites within close proximity to site and therefore, the modern appearance commercial units have resulted in the introduction of a different built form to the surrounding area of brick built dwellings. The addition of the car parking area would urbanise the site, it is noted from historic Google earth images dating back to Nov 2006, that the site had multiple areas of hardstanding used as storage areas, there was a presence of greenery and soft landscaping that softened the appearance. Whilst the site had been unmaintained for many years until recently the modest size of the buildings already in situ and the proposed toilet block, together with the potential to enhance the soft landscaping and boundary treatments, would not result in material harm to the rural character or appearance of the site and surrounding countryside. The proposal is therefore acceptable under Policies D1 and S8 of the approved Maldon District LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.3.2 The application site is boarded by two residential dwellings, to the north is Seabank and to the south is Downhall Lodge. Further to the south of Downhall Lodge is Down Hall Residential Home.
- 5.3.3 The commercial units sit 36 metres from the boundary, and the proposed toilet block would sit 33 metres from the boundary with the neighbouring property to the north, Seabank.
- 5.3.4 The commercial units sit three metres from the boundary, and the proposed toilet block would sit on the shared boundary with the neighbouring property to the south, Downhall Lodge. The commercial units would be visible above the existing 1.8 metre wall and would be partially visible to this neighbouring property.
- 5.3.5 Whilst the buildings themselves would not result in an overbearing addition to this neighbouring dwelling due to the separation distance from Seabank and that they are

partially obscured by the boundary wall with Downhall Lodge. There is a concern in relation to the position of the proposed entrance and exit points to the site which are located on the shared boundary with both neighbouring dwellings and will be used by cars, motorbikes, lorries and vans as well as any pedestrians. Along the shared boundary with Seabank, a 2.3 metres palisade fence has been installed, the fence provides views into the neighbouring properties rear amenity space from within the site, the views are not as open with regards to Downhall Lodge, however, the proposed commercial usage will intensify the usage during the week and possibly weekends.

- 5.3.6 As noted above there has been no specific use requested for the site and no details of operating hours have been submitted. No details of projected vehicle movements or any proposed sound attenuation of the buildings have been submitted as part of the application. It is noted that there have been a number of letters in support of the application, specifically with regards to the site being cleared and tidied and will bring the site into use, a letter has been received by the occupiers of Downhall Lodge to the south, who have supported the improvement to the site and considered that the commercial units could operate successfully with appropriate safeguards for operating house and noise from fixed plant, machinery, extraction and ventilation. From the insufficient information provided as part of the application in terms of proposed use and operating times, it would be difficult to ensure the appropriate mitigation conditions could be imposed to prevent a disturbance to the neighbouring residential dwellings.
- 5.3.7 The Council's Environmental Health team have been consulted on the application and have advised that given the nature of the development and the potential for activities within the individual units to affect nearby sensitive receptors, no objection is raised subject to recommended conditions if the application were to be approved.
- 5.3.8 Due to the partial retrospective nature of the application, the Council's enforcement team were consulted on the application. Whilst no objection in principle is raised, there are concerns relating to the unclear nature of the proposed use as it has not been clearly defined the use of each unit, and therefore, differing uses would give rise to differing planning impacts. There is also a concern on the potential impact of the development of the amenities of the neighbouring occupiers. The development would result in an intensity of use at the site and there is a lack of a comprehensive landscaping and screening scheme to mitigate the harm to the neighbouring dwellings. If planning permission were to be approved, appropriate conditions should be imposed to mitigate any loss of amenity.
- 5.3.9 As a result of the insufficient information submitted as part of the application, it is considered that the development would result in an unneighbourly form of development that would impact upon the amenity of the neighbouring residential properties, therefore, the development is not in accordance with the stipulations of Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policies D1 and T2 require safe access and sufficient vehicle and cycle parking having regard to the Council's adopted standards.
- 5.4.2 The proposed usage of the site for commercial use and therefore there is a requirement to provide both staff and customer parking. As no details have been provided on the use, to be able to ascertain the parking requirement on the site would in line with the Council's Vehicle Parking Standards. The block plan shows a provision for 10No. double car parking spaces to the front of each unit and three

disabled car parking spaces as well as 19No. customer car park spaces, three of which would have electric charging points. The block plan also shows an in access to the north and out access to the south, both of these are located adjacent to the entrance to Trusses Road, no visibility splays have been provided to show how all the vehicles and particularly the larger lorries would be able to easily and safely enter and exit the site. Furthermore, as no details of the proposed usage of each unit and the operating times have been submitted, the LPA is unable to assess the impact of the intensified use of the site, especially as both the proposed entrance and exit to the site are located directly adjacent to the neighbouring residential dwellings.

- 5.4.3 Essex County Council (ECC) highways have been consulted on the application and have advised that the proposal is not acceptable. The proposal includes the retrospective construction of two replacement buildings to create ten commercial units. This will result in the intensification in use of the site and the two historic vehicle accesses, which are minor and of limited width. The northern vehicular access is located on Trusses Road by the junction with High Street, the southern access is located on High Street. Trusses Road and High Street are both unclassified roads and the speed limit is derestricted at both locations. The Highway Authority will protect the function of all routes by:

- i. ensuring that new access points will be designed and constructed in accordance with the current standards;
- ii. seeking improvement to existing substandard accesses.

The applicant has not successfully demonstrated that the proposal would be acceptable in terms of highway safety and efficiency. The application should be supported by a suitable Transport Statement which should include (and not limited to) the following additional information; expected trip numbers/ vehicle movements, swept path analysis and details of safe and suitable access which complies with highway standards. In addition, it is noted that the proposal includes an in/out access arrangement, the applicant should be advised that this is not enforceable, and they should consider this in their Transport Statement. Therefore, Insufficient information is provided within the application to demonstrate to the satisfaction of the Highway Authority, that the impact on the highway network will not have unacceptable consequences in terms of highway safety and efficiency.

- 5.4.4 Therefore, an objection is raised in relation to traffic and transport issues. The proposal is contrary to Policies T1 and T2 of the LDP.

5.5 Trees and Landscaping

- 5.5.1 No arboricultural documents have been submitted as part of the application, it is noted that a number of trees and shrubs may have already been removed within the site and along the boundary with the neighbouring property to the north, when the site was cleared. It is noted that the proposed block plan submitted (TMA/1122/02 Rev A) shows that the hedgerow to the front (west) boundary of the application site is to be enhanced, and that three areas of indicative landscape areas are proposed, no specific details have been submitted. The Council's arboricultural consultants at Place Services have been consulted on the application and have advised that a review of the historic site photographs and aerial imagery indicates that trees and other vegetation were previously present on the site, and they had the potential to act as constraints to development. However, it appears that clearance of the site may have taken place within the benefit of consent and has resulted in the loss of habitat that would have otherwise contributed towards Biodiversity Net Gain (BNG) requirements.

- 5.5.2 No objection is raised to the development and given the extent of the tree and vegetation losses within the site; a condition is recommended requiring the submission of a replacement planting scheme. The scheme should include details of species, sizes, numbers and planting locations, together with a schedule of maintenance and aftercare to ensure successful establishment and to mitigate the loss of visual amenity and ecological value. Therefore, there is no arboricultural reason this application cannot progress subject to appropriate conditions.

5.6 Ecology & Biodiversity Net Gain

- 5.6.1 The application site does not fall within or in close proximity to nature conservation sites. However, 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.
- 5.6.2 A draft Biodiversity Gain Plan (Crossland Ecology – July 2026) and BNG metric have been submitted as part of the application. The Council's Ecological Consultants at Place Services have been consulted and have advised that they have reviewed the documents supplied as part of the application and are not satisfied that there is sufficient ecological information available for determination of the application. There are two ponds within 250 metres of the site and the site is within an Amber risk Zone Great Crested Newt District Licensing, the toilet block to be demolished could have bat roosting potential and the proposed works could disturb, harm or kill roosting bats. The site could also provide suitable habitat for foraging and sett building by badgers. Therefore, there is a holding objection to the development proposed due to insufficient ecological information on European Protected Species (Great Crested Newt & Bat) and protected species (Badger). It is recommended that to make this proposal acceptable a Preliminary Ecological Appraisal, including a Preliminary Roost Assessment would be required to assess the likely impacts upon Great Crested Newts, bats and badgers.
- 5.6.3 With regard to mandatory BNG, the Council's ecology consultants support the submitted Statutory Biodiversity metric and are satisfied that the submitted information provides sufficient information at application stage. No objection is raised in relation to BNG submit to the submission of a Biodiversity Gain Plan prior to commencement, together with a Habitat Management and Monitoring Plan (HMMP)

6. ANY RELEVANT SITE HISTORY

- **74/750/74** – Light industrial buildings – Refused – 14 April 1975
- **90/01059/FUL** – Residential development – Refused – 11 March 1991 & Appeal Dismissed – 5 February 1992

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Bradwell on Sea Parish Council	No response	N/A

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Place Services – Ecology	Objection – due to insufficient information of European Protected Species (Great Crested Newt & Bats) and Protected Species (Badger)	Noted – refer to section 5.6 of report
Place Services – Arboriculture	No objection – subject to recommended conditions	Noted – refer to section 5.5 of report
ECC Highways	Object due to lack of information	Noted – refer to section 5.4 of report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development	Support the application	Noted – refer to section 5.1 of report
Environmental Health	No objections – subject to recommended conditions	Noted – refer to section 5.3 of report

7.4 Site Notice / Advertisement

The application was advertised by way of a site notice posted on the 1 September 2026 (with expiry date for comments set at 22 September 2026). The site notice was affixed at eye level to a telegraph pole located to the front of the application site, in a prominent position within the street scene.

Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 27 August 2026 (with expiry date for comments set at 17 September 2026).

7.5 Representations received from Interested Parties (*summarised*)

7.5.1 **Five** letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
The development will keep the plot tidy	It has resulted in the overgrown and neglected site being improved.
It will bring employment to local people and support the local community	The provision of commercial units cannot be conditioned for the sole use of local residents.
It could potentially bring income into the village	As the site is in a location that would require access via car, there is the potential for more people to be driving through the village
It will allow for small or startup businesses	The site would create ten commercial units

7.5.2 Representations objecting to the application:

One letter of objection has been received raising the following matters:

Objecting Comment	Officer Response
Highway safety – the site is on a sharp corner with limited visibility. Downhall Road is subject to a 60mph speed limit and there is a concern of the vehicles using this road and view being obstructed due to vehicles parked on the road. The increased intensity of the road by the users of the site will be on infrastructure not suitable for this level of activity. There is also a concern for pedestrian safety	Noted – please refer to section 5.4 of report
There will be an intensified use on the site that has not been in place before.	Noted – please refer to section 5.1 of report
There are concerns about the parking provision provided and whether this could lead to vehicles being parked on the adjacent roads.	Noted – please refer to section 5.4 of report
There would be an impact on the residential character and amenity of the area, and therefore has the potential to create increased noise, disturbance, traffic and parking pressures.	Noted – please refer to section 5.2 and 5.3 of report

8. **PROPOSED REASONS FOR REFUSAL**

REASONS FOR REFUSAL:

- 1 The development due to its proximity to the site boundary, would have an adverse impact on the amenity of the occupiers of the neighbouring dwellings, due to the potential noise, disturbance and odour as a result of the development. Therefore, the proposed development would be an unneighbourly form of development, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework
- 2 It has not been demonstrated that the development would not cause harm to a European Protected Species (Great Crested Newt and Bats) and Protected Species (Badgers) and so the proposal could have an adverse impact on nature conservation interests, contrary to Policies D1 and N2 of the approved Maldon District Local Development Plan and the NPPF.
- 3 It has not been demonstrated that the proposal provides sufficient information to demonstrate that the development would not result in an unacceptable impact on highway safety and the operation of the surrounding highway network. In the absence of adequate information regarding access arrangements, traffic generation, servicing, and/or the likely impact of additional vehicular movements, the Local Planning Authority is unable to properly assess the highway implications of the development. The proposal is therefore contrary to Policies T1 and T2 of the approved Maldon District Local Development Plan and the NPPF.