



**REPORT of
CHIEF EXECUTIVE**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
9 JANUARY 2017**

Application Number	FUL/MAL/16/01102
Location	Barn Tudwick Farm Tudwick Road Tolleshunt D'Arcy
Proposal	Change of use and conversion of barn to form single dwellinghouse (renewal of FUL/MAL/13/00689)
Applicant	Mr A Ferguson
Agent	Mr Edward Gittins - Edward Gittins & Associates Ltd.
Target Decision Date	5 December 2016 Extension of Time 13.01.2017
Case Officer	Emily Hall, TEL: 01621 875744
Parish	TOLLESHUNT D'ARCY
Reason for Referral to the Committee / Council	Departure from the Local Plan 2005

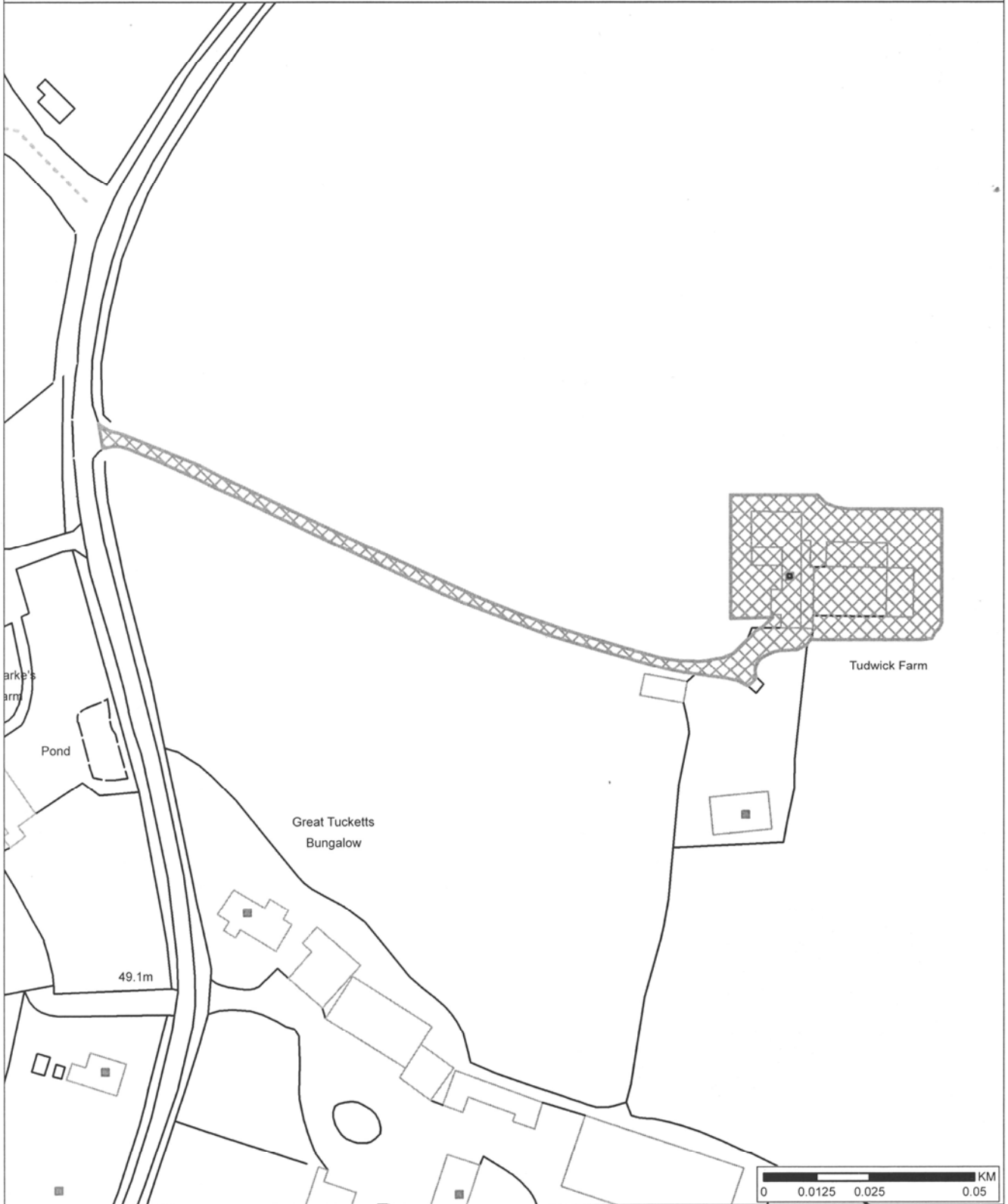
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Barn - Tudwick Farm - Tudwick Road - Tolleshunt D'Arcy
FUL/MAL/16/01102



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MALDON DISTRICT COUNCIL

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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: NW Committee

Date: 22/12/2016

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located outside of the defined development boundary of Tolleshunt D'Arcy and in a rural area surrounded by agricultural land. It is accessed off a single track from the eastern side of Tudwick Road. This also serves a bungalow at Tudwick Farm which is not within the application site.
- 3.1.2 The site contains a group of former agricultural buildings in a U shaped formation. These buildings include former milking sheds, some of which contain original features. There is also a large barn which is attached to two milking sheds. There are various small additions to this barn. This combined structure is the subject of this application. There are also two additional detached barns which are single storey structures and do not form part of the proposal.
- 3.1.3 The entire group of barns are timber and brick structures with a combination of slate tiled roofs and corrugated sheet metal roofs. Whilst the buildings have not been used for their original purpose for some time, the applicant did indicate on a site visit that the combined structure, the subject of this application, had been recently used for rearing game birds for shoots. In the centre of this group, there is an area of land which has fencing and runs for chickens. A small area to the east of the barns contains few fruit trees and a small grassed area.
- 3.1.4 In the immediate vicinity there are few sporadically located dwellings. This includes Clarke's Farm on the western side of Tudwick Road, Greengates and River View to the north of the site, and Great Tucketts Bungalow and Tucketts Farm to the south. Tucketts Farm is a Grade II Listed Building. The barns at the application site form part of the wider setting of the Listed Building although they are not in the immediate curtilage.
- 3.1.5 To the rear of the site and beyond the agricultural field is High Hall Wood (identified on the local plan proposals map as area W44). This wood comprises a mix of Hornbeam, Pedunculated Oak, and uncommon in this region, Sessile Oak. English Elm and Field Maple also occur with planted coniferous species.
- 3.1.6 Planning permission is sought for the conversion of the combined barn on the western most part of the site to create a new dwelling. The remaining two detached single storey structures would be retained and have not been referred to in the application.
- 3.1.7 It is proposed to convert the barn into a three bedroom dwelling, with new mezzanine floor. A family bathroom would also be provided at first floor level. At ground floor level, the barn would comprise a cloak room, large lounge, large dining room, kitchen, large living room, store, study and utility.
- 3.1.8 External alterations would also take place to the barn to allow its use as a dwelling. This includes large glazing panels and windows and doors mainly in the position of existing openings.
- 3.1.9 The existing access would be utilised.

3.1.10 The application does not indicate an intention to alter the remaining two single storey detached barns at the site or to use them for ancillary residential outbuildings. Without this information, it is therefore assumed that these would be retained for agricultural purposes.

3.2 Conclusion

3.2.1 The principle of the development has been accepted through the positive determination of FUL/MAL/13/00689 (date of decision 15 October 2013). Whilst the Council's five year housing land supply position has improved since the determination of the previous application, this in itself is not a reason for refusal. There are no new material considerations that would alter the Council's stance in relation to the proposed development.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 - Development outside Development Boundaries
- BE1 - Design of New Development and Landscaping
- BE16 - Extensions, Alterations and Additional Buildings in the Curtilage of Listed Buildings
- CC6 - Landscape Protection
- CC19 - Rural Diversification
- H1 - Location of New Housing
- T1 - Sustainable Transport and Location of New Development
- T8 - Vehicle Parking Standards
- CON5 - Pollution Prevention

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

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

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)

- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 5.1.2 Policies S1 and S2 of the Replacement Local Plan (RLP) provide the strategic position for the District through defined development boundaries for villages / urban areas and seeks to protect areas outside of defined development boundaries from new development in the interests of protecting the countryside and coastal landscapes of the District. Policy S2 of the RLP, as well as policies CC6 and H1, indicate that outside defined settlements housing will not normally be allowed and the landscape be protected for its own sake. Any proposal should be assessed in accordance with policy BE1 where the compatibility of a scheme to its surroundings and neighbouring residents is imperative to the acceptability of a development in any location.
- 5.1.3 The Local Development Plan (LDP), as submitted, has been produced in light of the NPPF's emphasis on sustainable development and policy S1 promotes the principles of sustainable development encompassing the three dimensions identified in the NPPF.
- 5.1.4 Policy S8 of the LDP seeks to direct development within settlement boundaries in order to protect the intrinsic beauty of the countryside.
- 5.1.5 The application site lies outside of a defined settlement boundary and is in the countryside for the purposes of application of planning policy. As such the proposal is in conflict with the adopted and submitted policies.
- 5.1.6 However, the principle of the site accommodating residential development has been accepted through the positive determination of planning application FUL/MAL/13/00689 and there are no new material considerations that would alter this position. Therefore, on balance, the principle is considered acceptable.

5.2 Housing Land Supply and Need

- 5.2.1 The Council has undertaken a full assessment of the Five Year Housing Land Supply in the District and it is concluded that the Council is now able to demonstrate a supply of specific deliverable sites sufficient to provide for more than five years' worth of housing against the Council's identified housing requirements.
- 5.2.2 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer an address the increasing need for smaller properties due to demographic and household formation change.

- 5.2.3 Policy H2 of the LDP and its preamble (paragraph 5.2.2), which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA), shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.2.4 The Council is therefore encouraged in the emerging policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal provides a dwelling with three bedrooms. The proposal is considered to make a limited contribution to the identified housing needs within the district.

5.3 Impact on the character and appearance of the area and design

- 5.3.1 Policy CC6 of the RLP seeks to maintain the attractive and varied landscape present within the District and the Council has commissioned a Landscape Character Assessment to recognise and protect the visual quality of the wider countryside within the District. The Landscape Character Assessment supersedes the designation of Special Landscape Areas and is relevant for the determination of this application.
- 5.3.2 The application site is located within the Tolleshunt Coastal Farmland Area, as identified within the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) which forms part of the Council's evidence base. This character area is the hinterland to the North Blackwater Estuary. It is a landscape characterised by its open landscape of flat to slightly undulating arable fields. In addition, the open nature of the skyline of several areas of the coastal farmland is visually sensitive, with new development potentially visible within expansive views across the area and also within views to and from adjacent drained estuarine marsh and coastal farmland.
- 5.3.3 The proposal seeks to reuse an existing building with minor alterations to its appearance to facilitate a residential layout. The scheme is identical in nature to the previously approved application and there was no objection raised in relation to the design at the time of the previous application and there are no new material considerations that would alter this position.

5.4 Effect on Neighbouring Residential Occupiers

- 5.4.1 Policy BE1 requires consideration of the impact of development on the safety and amenity of neighbouring occupiers. Policies D1 and H4 of the Local Development Plan (LDP) similarly required that there is no material impact on living conditions and amenity of neighbouring residential properties.
- 5.4.2 The closest dwelling to the application site is the adjacent bungalow which is approximately 40m from the flank wall of the barn to be converted. Although there would be an increase in activity at the site, this would be of the same nature and kind as that of the bungalow. The distance between the bungalow and barn is also reasonable. Therefore, there is unlikely to be any harm caused by the proposal to neighbouring amenity.
- 5.4.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to the neighbouring amenity at the time

of the previous application and there are no new material considerations that would alter this position.

5.5 Access, Parking and Highway Safety

5.5.1 Parking has not been shown on the submitted plans. It is likely that this would take place towards the west of the combined barn close to the access drive and hardstanding area serving the adjacent bungalow. Although there would appear to be sufficient parking space it is not clear if this could be provided without having either a detrimental impact on the parking and access to the adjacent bungalow, or an increased visual impact on the locality. Details would have to be provided in order for this to be clarified.

5.5.2 The highways authority has raised no objection to the proposal on highway safety grounds.

5.5.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to access, parking or highways safety at the time of the previous application and there are no new material considerations that would alter this position.

5.6 Provision of Amenity Space and Landscaping

5.6.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m².

5.6.2 Amenity space for the dwelling is provided surrounding the dwelling and within the courtyard area and measures in excess of 100m² in accordance with the guidance contained within the Essex Design Guide.

5.6.3 In addition, the scheme is identical in nature to the previously approved application and there was no objection raised in relation to amenity space and landscaping at the time of the previous application and there are no new material considerations that would alter this position.

5.7 Sustainability

5.7.1 Sustainability is tripartite, relating to economic, social and environmental aspects which are explained in paragraph 7 of the NPPF and does not relate solely to the location of the development. Regardless of this the application site is isolated in terms of distance from key services, employment and main towns and these are only accessible by vehicular transport. It is therefore considered that the proposed development would result in a new dwelling whose future occupiers would be heavily reliant on the private motor vehicle to access day to day facilities and services contrary to guidance contained within the NPPF.

5.7.2 However, the principle of the site accommodating residential development has been accepted through the positive determination of planning application FUL/MAL/13/00689 and there are no new material considerations that would alter this position. Therefore, on balance, the principle is considered acceptable.

5.8 Other considerations

- 5.8.1 Given that there are no new material planning considerations it is considered unreasonable to add or remove any conditions from those imposed upon extant permission FUL/MAL/16/00635.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/00689** – Proposed conversion of existing barn to dwelling. Approved: 15 October 2013.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt D'Arcy Parish Council	The Parish Councillors have no objection to this application.	Acknowledged.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection.	Noted.

7.3 Internal Consultees (*summarised*)

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

7.4 Representations received from Interested Parties (*summarised*)

- 7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 13.2085/M002 Rev B, 13.2085/E102 REV A,

13.2085/E103 REV A, 13.2085/E104 REV B, 13.2085/E105 REV B,
13.2085/P201 REV B, 13.2085/P202 REV B, 13.2085/P203 REV B,
13.2085/P204 REV C, 13.2085/P205 REV C.

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

- 3 All rainwater goods shall be of cast metal with a black painted finish unless otherwise agreed in writing by the Local Planning Authority and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 4 All weatherboarding shall be black painted or black stained timber only and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 5 All windows and doors shall be black painted or black stained timber only and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 6 Prior to the commencement of the development large scale drawings [1:20] shall be submitted to show all new window frames, external doors and door frames including sections through the head, jamb, cill and glazing bars. The details shall be submitted to and approved in writing by Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 7 Prior to the commencement of the development samples of the roof and ridge coverings to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON In order to protect the character and appearance of the rural and area wider setting of the nearby listed building in accordance with policies BE1, CC6 and BE16 of the adopted Maldon District Replacement Local Plan.

- 8 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON In order to ensure appropriate landscaping for the development in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

9 There shall be no means of external illumination to the access drive.

REASON In order to protect the character and appearance of the rural locality, and the wider setting of the nearby listed building in accordance with policies BE1, CC6, and BE16 of the adopted Maldon District Replacement Local Plan.

10 Notwithstanding condition 9 above, prior to commencement of the development hereby permitted, details of all external illumination of the site shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.

REASON In order to protect the character and appearance of the rural locality, and the wider setting of the nearby listed building in accordance with policies BE1, CC6, and BE16 of the adopted Maldon District Replacement Local Plan.

11 Prior to the commencement of the development 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.

REASON To ensure appropriate surface water drainage at the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan and in accordance with the Government Guidance contained in the Technical Guidance to The National Planning Policy Framework.

12 Prior to the commencement of the development details of the foul 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.

REASON To prevent pollution of the water environment and to ensure a satisfactory means of foul drainage disposal is provided in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

13 Prior to commencement of the development hereby approved, details of the proposed parking layout, including marked space, shall be submitted to and approved in writing by the Local Planning Authority. The parking arrangement for the site shall be carried out in accordance with the approved details and made available for use prior to occupation of the dwelling and shall be retained as such thereafter.

REASON To ensure appropriate parking is provided in accordance with policy T8 of the adopted Maldon District Replacement Local Plan and the adopted Parking Standards Supplementary Planning Document.

14 Prior to commencement of the development hereby approved, details of the location and size of private amenity space for the dwelling shall be submitted to and approved in writing. Notwithstanding condition 8 above, this shall include details of landscaping for the amenity space and any boundary

treatments proposed. The approved amenity space shall be made available in accordance with the approved details prior to occupation of the dwelling and retained as such thereafter.

REASON To ensure an appropriate amenity space is provided for the development and protect the character and appearance of the rural locality in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2-15 (or any Order amending, revoking or re-enacting that Order), no fencing, walls or other means of enclosure shall be undertaken within the extended garden area hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

REASON In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

- 16 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

- 17 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the Local Planning Authority.

REASON In order to protect the character and appearance of the rural area in accordance with policies CC6 and BE1 of the adopted Maldon District Replacement Local Plan.

INFORMATIVES

1. Prior to demolition of the existing buildings an appropriate Asbestos survey of the buildings shall be undertaken and a scheme implemented to remove and safely dispose of any asbestos-containing materials.

It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.

2. Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.
3. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
4. Prior to commencement it is recommended that the applicant contacts Building Control (01621 854477) to ensure there are no issues with the proposed conversion including the structural stability of the building.