



MALDON DISTRICT
COUNCIL

MEMBERS' UPDATE

DIRECTOR OF STRATEGY,
PERFORMANCE AND GOVERNANCE
Paul Dodson

07 December 2021

Dear Councillor

SOUTH EASTERN AREA PLANNING COMMITTEE - WEDNESDAY 8 DECEMBER 2021

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following item of business since the agenda was printed.

5. **21/00745/VAR - Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex**(Pages 3 - 6)

Yours faithfully

Director of Strategy, Performance and Governance



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CIRCULATED PRIOR
TO THE MEETING



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
South Eastern Area Committee
8th December 2021

MEMBERS' UPDATE

Item 5

Application Number	21/00745/VAR
Location	Land Rear Of Red Lyons Farm, Burnham Road, Latchingdon, Essex
Proposal	Variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) Change the permitted working to 6:00 until 20:00 Monday to Saturday.
Applicant	Mr J Sinclair
Agent	Miss Catrin Davies - Warner Planning
Target Decision Date	02.11.2021 (EoT agreed: 10.12.2021)
Case Officer	Anna Tastsoglou
Parish	LATCHINGDON
Reason for Referral to the Committee / Council	Member Call In Councillor R G Boyce has called in the application for the following policy reason: LDP policy E4 (Agricultural and rural diversification)

5.2 Impact on Residential Amenity

5.2.1 It should be noted that a new consultation response from the Environmental Health Team was received since the writing of the committee report. The recent response advises that nuisance complaints relating to Unit 10 have recently been received by the Environmental Health Team. It is also stated that a more specific noise assessment relating to unit 10 should be submitted to fully assess the impact of the extended working hours from this particular unit. For that reasons, a condition is suggested to be imposed securing the submission of a noise report assessing the combined noise emissions from all sources at the site and the wider area at the times of the proposed extended hours and also securing mitigation measures should the noise emissions exceed a rated level of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling.

5.2.2 On the basis of the above additional comments received by the Environmental Health Specialist the imposition of an additional condition is suggested as follows:

- 8 Prior to the first use of the hours hereby approved a noise assessment shall be carried out and submitted to the Local Planning Authority for approval. The noise assessment shall include details of noise levels for the combined emissions of noise from all sources at the site and the wider area at the times of the proposed extended hours. The noise emissions shall not exceed a rated

level (LAeq 1 hour daytime/LAeq 15 minute night time) of 5dB(A) below background (LA90) at the nearest noise sensitive dwelling. The rated level shall be determined in accordance with BS 4142:2014+A1:2019 methodology.

Where mitigation measures are identified to meet the noise criteria above, these shall be implemented prior to the first use of the hours hereby approved and retained in perpetuity.

REASON: To protect the amenity of the neighbouring properties and in order to ensure that adverse impacts on health and quality of life of nearby neighbours is minimized and mitigated in accordance with policy D1 of the approved Maldon District Local Development Plan.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish/ Town Councils

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	Recommend refusal of the application.	Noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objections, subject to condition. Additional comments have been received since the writing of the committee report as discussed in section 5.2 of the Member's update.	Noted and addressed in section 5.2 of the member's update and additional condition i9s imposed as suggested.

7.3 Representations received from Interested Parties

1 further letter of representation has been received since the writing of the committee report.

Objection comment	Officer response
Concerns regarding extended operating hours	Noted – refer to section 5.2 below
The proposal would set a precedent for other businesses in Maldon	It should be noted that each application is assessed on each own merits.
The proposal would impact on the Mental Health and Wellbeing of the nearby neighbours.	The impact of the development on residential amenity is discussed in section 5.2 of the report.
Concerns are raised in relation to the need of the business to operate during longer hours. It is stated that currently the business does not operate on a full day basis.	Comment noted. The need for the proposed extended hours is discussed in section 3.1 of the report.

A comparison is made between the business use at the application site with another business on another site.	It should be noted that each application is assessed on each own merits. Furthermore, the purpose of an application is to assess the impact of a proposal against policies and material planning considerations and not draw comparisons between the operation of similar uses in different sites.
Concerns are raised in relation to the Health and Safety of the employees due to the extended working hours.	Health and Safety of employees is matter covered by separate law and it is not a material planning consideration.
Concerns are raised regarding the use of the building.	It should be noted that this permission does not seek to vary the use of unit 10 but only the operating hours.
The noise report should be done near the application site.	It is noted that a condition requiring the submission of a noise report assessing the emissions of noise from unit 10 combined with noise emissions from the wider area is imposed to minimize and mitigate any adverse impact from the extended working hours to the nearby neighbours.

8. PROPOSED CONDITIONS

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