



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
13 DECEMBER 2017**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor S J Savage
Councillors	I E Dobson, Mrs B D Harker, M S Heard, Miss M R Lewis and Rev. A E J Shrimpton

676. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

677. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss A M Beale, A T Cain, Mrs P A Channer, CC, M R Pearlman and Mrs N G F Shaughnessy.

678. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 15 November 2017 be received.

Minute No. 576 – Disclosure of Interest

Councillor I E Dobson advised that his declaration relation to Agenda Item 6 – HOUSE/MAL/17/01101 37 Fambridge Road, Maldon and not as detailed in the Minutes. This was noted.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 15 November 2017 be confirmed.

679. DISCLOSURE OF INTEREST

Councillor Miss M R Lewis declared a non-pecuniary interest in Agenda Item 6 – FUL/MAL/17/01161 Workshop Former Hunters Garage, The Square, Heybridge as she

knew the applicant. Councillors Mrs B D Harker, B E Harker and M S Heard advised that this declaration also applied to them.

680. FUL/MAL/17/00666 - JD CLASSICS (HOLDINGS) LIMITED, UNIT 4, GALLIFORD ROAD INDUSTRIAL ESTATE, GALLIFORD ROAD, MALDON

Application Number	FUL/MAL/17/00666
Location	JD Classics (Holdings) Limited, Unit 4, Galliford Road Industrial Estate, Galliford Road, Maldon
Proposal	Erection of 3No. individual extensions to the rear and side of the existing building.
Applicant	Mr. D. T. Hood - JD Classics
Agent	Ms. Andrea Savill - Athena Architectural Services
Target Decision Date	18 December 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Major Application

Councillor Rev. A E J Shrimpton, a Ward Member, advised that he had no objection to this application and proposed that it be approved as per Officers' recommendation.

In response to questions, the Group Manager - Planning Services advised that the site currently had existing lawful use and if minded to remove specific actions they were currently able to do the Council would have to give specific reason as to why this development changed that and why it was removing them.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall accord with that shown on drawing reference, 001 Rev A, 002 Rev B, 003 Rev B, 004 Rev B, 005, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, 011 Rev A, which are specifically referenced on the decision notice and form part of this permission.
3. The development hereby approved shall be constructed of materials and finish as stated within the application.
4. The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.
5. A scheme for the provision and implementation of flood proofing and management measures, which shall include details of the retracting roller shutter doors and their maintenance and testing regime shall be submitted to and agreed in writing with the local planning authority. The agreed scheme and shall be implemented prior to the first beneficial use of the development hereby approved and retained in perpetuity.
6. 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.

681. FUL/MAL/17/01161 - WORKSHOP FORMER HUNTERS GARAGE, THE SQUARE, HEYBRIDGE

Application Number	FUL/MAL/17/01161
Location	Workshop Former Hunters Garage, The Square, Heybridge, Essex
Proposal	Erection of 9 No. dwellings and two commercial units (Class A2) and layout parking to rear.
Applicant	Salmar Properties Ltd
Agent	Mr Phillip McIntosh - Melville Dunbar Associates
Target Decision Date	07.12.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In

The Members' Update highlighted a typographical error in the report and advised that additional information had been received from the Applicant.

The Development Control Officer advised that since publication of the report and Members' Update Environmental Health had submitted further comments explaining that they had assessed all points and their objection still stood. The Officer provided the Committee with further information in respect of this.

Following the Officers' presentation, the Agent, Mr McIntosh addressed the Committee.

Councillor I E Dobson, a Ward Member, advised how he had spoken to local residents who like the Parish Council were in support of the development. He felt that it would extend the street scene and commented on the work undertaken by Officers and the Applicant. Councillor Dobson proposed that the application be approved, contrary to Officers' recommendations. This proposal was duly seconded.

In response to a number of questions, the Group Manager - Planning Services advised the Committee that:

- public support on its own was not a reason to grant planning permission, weight had to be given to planning merits and case law.
- if Members were mindful to approve the application he would recommend the addition of B1 (office) use which would fit well beneath residential development, in addition the A2 use requested as part of the application. He also advised that conditions regarding noise and disturbance should be applied with the actual wording delegated to the Chief Executive in discussion with the Chairman.
- with regards to the shared amenity space (which he outlined) it was necessary to assess whether there was any demonstrable harm, taking into account that the proposed development would not be for family accommodation.
- the shortfall in car parking spaces had been taken into account and it was not felt that this demonstrated demonstrable harm.

The Chairman then put the Officers' recommendation of refusal to the Committee and upon a vote being taken this was declared lost. Prior to a vote on approval being taken the Group Manager - Planning Services outlined a number of suggested conditions to be applied should approval be granted. The Chairman then put the proposal of approval in the name of Councillor Dobson to the Committee and upon a vote being taken this was agreed with the conditions as advised by the Officer.

RESOLVED that this application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 1515-PL001, 1515 PL08, 1515 PL09, 1515-PL101 Rev A, 1515-PL102 Rev A, 1515-PL103 Rev A, 1515-PL104 Rev A, 1515-PL105 Rev A, 1515-PL106 and 1515-PL107.
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 No development shall take place until samples of the facing material to be used, including glazing, have been submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved details.
REASON: To ensure that the external materials to be used in the development are acceptable in accordance with Policy D1 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 4 No 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: To ensure the soft and hard landscaping are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 5 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter

REASON: To ensure the boundary treatments are appropriate and to protect the visual amenity of the area in accordance with Policies S1 and D1 of the Maldon District Local Development Plan and Government advice as contained in the National Planning Policy Framework.

- 6 The development shall not be occupied until such time as the existing accesses or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 7 The development shall not be occupied until such time as the car parking and turning area has been provided in accord with the details shown in Drawing Numbered 1515-PL101. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 8 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

REASON: To promote the use of sustainable means of transport in accordance with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.

- 9 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- REASON: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 10 Prior to the occupation of any of the proposed dwellings the footway alongside Anchor Lane shall be provided at 2.0 metre in width and being provided entirely at the Applicant / Developer's expense as shown in drawing numbered 1515-PL101 including new kerbing, hard surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making appropriate connections to the existing footway, to the specifications of the Highway Authority.
- REASON: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy T2 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.
- 11 Prior to the first occupation of any of the proposed dwellings the Applicant / developer shall provide a new bus stop northbound, adjacent to the proposed development site (in the vicinity of and opposite the Heybridge Industrial Estate, The Causeway, Heybridge, the precise location to be agreed with the Highway Authority) including the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing, road markings and any accommodation works to the footway and carriageway channel being provided entirely at the Applicant / Developer's expense to the specifications of the Highway Authority.
- REASON: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy T2 of the Maldon District Local Development Plan and Guidance contained in the National Planning Policy Framework.
- 12 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
- REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework
- 13 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance

with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the proposed development area followed by full excavation if archaeological potential is identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

REASON: To protect the site which is of archaeological interest in accordance with Policy D3 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework

- 15 Prior to first use of the units at ground floor and residential flats at first and second floor hereby permitted, signs shall be displayed within the building, which comprehensively describe the site evacuation procedures in the event of a flood. The signage shall thereafter be retained.

REASON: To ensure that all users of the development are aware that the site is at risk of flooding in accordance with Policy D5 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework and Planning Practice Guidance.

- 16 No development shall commence until a completed Flood Evacuation Management Plan (FEMP) shall have been submitted to and approved in writing by the local planning authority. The approved FEMP shall be implemented in conjunction with the development.

REASON: To ensure that all users of the development are aware that the site is at risk of flooding in accordance with Policy D5 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework and Planning Practice Guidance.

- 17 The development permitted by this planning permission shall be carried out in complete accordance with the approved Flood Risk Assessment (FRA) undertaken by Evans Rivers and Coastal Limited referenced 1744/RE/01-17/01 dated January 2017.

REASON: To reduce the risk of flooding to the proposed development in accordance with Policy D5 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework and National Practice Guidance

- 18 The premises at ground floor level shall not be used for any purpose other than Professional and Financial Services purposes within Class A2 and light industrial workshop purposes within Class B1(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

- 19 The use of the premises at ground floor level hereby permitted shall only be undertaken between 07:30 hours and 20:00 hours on weekdays; between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and public holidays.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

20 Deliveries to and collections from the premises hereby approved shall only be undertaken between 07:30 hours and 20:00 hours on weekdays; between 08:00 hours and 18:00 hours on Saturdays and not at any time on Sundays and public holidays.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

21 Prior to the first occupation of the building hereby permitted, the first floor windows on the west elevation serving the bathroom in Flat 2, Flat 3 and Flat 4 as shown on Drawing No: 1515-PL 102 and the second floor windows serving the bathroom in Flat 7, Flat 8 and Flat 9 as shown on Drawing No: 1515-PL 103 shall be glazed with opaque glass and be retained as such thereafter.

REASON: To protect the residential amenity of the future occupiers of the building at first and second floor level and existing occupiers to the north and west of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and Government advice contained within the National Planning Policy Framework.

22 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The risk assessment shall assess the nature and extent of any contamination on the site whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - Human health,
 - Properly (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - Adjoining land,
 - Groundwaters and surface waters,
 - Ecological systems
 - Archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 23 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 24 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

- REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.
- 25 Prior to commencement of the development no works shall take place until a detailed Sustainable urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the local planning authority. This must be conducted by a competent person and include written explanation of any data provided. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
- Discharge rates/location
 - Storage volumes

- Treatment requirement
- Detailed drainage plan
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground.

If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water.

Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing, by the local planning authority.
REASON: To prevent the undue contamination of the site in accordance with Policy D2 of the Maldon District Local Development Plan.

26 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 ensure that there is adequate foul drainage scheme to serve the development in accordance with Policy D2 of the Maldon District Local Development Plan.
- 27 Prior to first occupation of the development details of external illumination of the site shall be submitted and approved by the Local Planning Authority. The external illumination approved shall be retained as such thereafter
REASON: To protect the visual amenity of the area and to prevent light pollution in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 28 The premises use hereby permitted shall not commence unless and until the building has been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be retained as such thereafter.
REASON: To protect the amenity of the future occupiers of the site from noise and disturbance in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.
- 29 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building within the parking court as shown on Drawing No: 1515-PL101 dated 29.06.2017.
REASON: To ensure adequate car parking spaces and turning area is available for the future occupier of the site in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.
- 30 The refuse storage / bin area shall be carried out in complete accordance with Drawing No: 1515-PL101 dated 29.06.2017 and shall be retained as such thereafter.
REASON: To ensure appropriate refuse storage / bin area is available for the future occupier of the site in accordance with Policy D1 of the Maldon District Local Development Plan.
- 31 Prior to commencement a scheme shall be submitted for approval to the local planning authority providing details of how the proposed dwellings shall be protected from noise to ensure that:
- i) internal ambient the noise levels within habitable rooms shall not exceed the guideline values in BS8233:2014 Table 4 and
 - ii) external amenity noise levels shall not exceed 55 dB LAeq,T, as indicated in BS8233:2014 paragraph 7.7.3.2.

The scheme will include details of the alternative means of ventilation required to meet these criteria and any contributory noise from these means of ventilation.

Prior to occupation a noise validation survey will be undertaken to verify that the ambient internal and external noise levels to ensure that they meet the predicted criteria. This validation survey shall also include any internal noise created by the alternative means of ventilation.

REASON: To protect the amenity of the future occupiers of the site from noise and disturbance in accordance with Policies D1 and D2 of the Maldon District Local Development Plan.

INFORMATIVES

1 Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU.

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

2 Environment Agency

The Applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Langford Ditch is designated a 'main river'.

Application forms and further information can be found at:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Anyone carrying out these activities without a permit where one is required is breaking the law.

3 Environmental Health Services

The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.

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.

682. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

683. ENFORCEMENT UPDATE

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 8.35 pm.

**B E HARKER
CHAIRMAN**