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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

04 December 2018

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 12 DECEMBER 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor Miss M R Lewis

COUNCILLORS

Miss A M Beale

A T Cain

I E Dobson

Mrs B D Harker

M S Heard

M R Pearlman

S J Savage

Mrs N G F Shaughnessy

Rev. A E J Shrimpton

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 12 DECEMBER 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 14 November 2018, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/18/00975 - Beeleigh Abbey, Abbey Turning, Maldon, Essex, CM9 6LL**
(Pages 19 - 26)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

6. **FUL/MAL/18/01174 - Connect House, Quayside Industrial Estate, Bates Road, Maldon, Essex, CM9 5FA** (Pages 27 - 42)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

7. **FUL/MAL/18/01286 - Rear of 119 High Street, Maldon** (Pages 43 - 60)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

8. **Any other items of business that the Chairman of the Committee decides are urgent**

Reports for noting:

In accordance with the Council decision (Minute No. 542 from 2 November 2017 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 7.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-on-Crouch Neighbourhood Development Plan (2017)

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2015
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

Supplementary Planning Guidance and Other Advice

i) Government policy and guidance

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

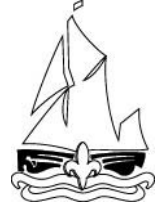
ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
14 NOVEMBER 2018**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss M R Lewis
Councillors	Miss A M Beale, A T Cain, I E Dobson, Mrs B D Harker, M S Heard, M R Pearlman, S J Savage, Mrs N G F Shaughnessy and Rev. A E J Shrimpton

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs P A Channer, CC.

3. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 October 2018 be received.

Minute No. 509: HOUSE/MAL/18/00967 - 9 WARWICK DRIVE, MALDON

That the first paragraph should be amended to include the addition shown as underlined:

"It was confirmed that the application was called in by Councillor S J Savage at the request of Councillor Rev. A E J Shrimpton whose email was not working."

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 October 2018 be confirmed.

4. DISCLOSURE OF INTEREST

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as Maldon District Council are the land owners. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as he knew the applicant.

Councillor M R Pearlman declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as Maldon District Council are the land owners. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as he knew the applicant.

Councillor Rev. A E J Shrimpton declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as he uses the leisure centre on a regular basis.

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as he lives in close proximity to the leisure centre.

Councillor Miss M R Lewis declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as she is a member of Blackwater Leisure Centre. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as she had previously been a customer of Avanti Photographics.

5. FUL/MAL/18/00699 - BLACKWATER LEISURE CENTRE

Application Number	FUL/MAL/18/00699
Location	Blackwater Leisure Centre, Park Drive, Maldon
Proposal	Provision of building to be used as a community hub and associated boundary treatments (nursery, childcare provision, children's holiday club, crèche for the leisure centre, private hire by community groups).
Applicant	Mrs Sharon Kennedy – Watership Downs
Agent	Paul Lonergan – Paul Lonergan Architects Ltd
Target Decision Date	19/11/2018
Case Officer	Louise Staplehurst
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Major Application – Site Area Member Call In – Cllr Savage – request of applicant and public interest

A Members' Update had been submitted detailing an Access, Parking and Highway Safety statement received post publication of the report.

Following the Officer's presentation, Mrs Sharon Kennedy, the Applicant, addressed the Committee, and the Chairman drew the Committees attention to the Members' Update.

A debate ensued and Members raised concerns regarding the impact of noise levels from the site and whether this would increase that already generated by surrounding businesses. The Development Management Team Leader advised Members that at present no Noise Assessment had been carried out and that parking would only be available for the users of the leisure centre.

Councillor S J Savage proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded.

The Committee noted that a report on the site was going to a future meeting of Finance and Corporate Services Committee.

Councillor Miss M R Lewis proposed that the application be deferred until after Finance and Corporate Services Committee. This was duly seconded.

Councillor Miss M R Lewis then amended her proposal, and requested that the application be deferred until further information around parking and noise impact was available. This was duly seconded.

Councillor M S Heard proposed that the application be deferred until Members had visited the site to review parking facilities. This was duly seconded.

The Chairman first put the Officer's recommendation of refusal to the Committee, and upon a vote being taken the refusal was rejected.

The Chairman then put Councillor Savage's proposal to approve the application contrary to the Officer's recommendation but subject to conditions. Upon a vote being taken the application was approved subject to conditions agreed in conjunction with the Chairman, Ward Members and Officers.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1820/2/100 Rev R-B, 1820/2/201 Rev R-A, 1820/2/203 Rev R-A, 1820/2/202 Rev R-A, 1820/2/200 Rev R-A, 1820/2/206 Rev R, 1820/2/001 Rev R-A, 1820/2/204 Rev R, 1820/2/205 Rev
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 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 report of the findings must include:
- (i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
 - (ii) A survey of the extent, scale and nature of contamination;
 - (iii) An assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
 - iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation 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 ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.
- 5 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 shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.

- 6 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 and submitted to the Local Planning Authority for approval.
- The written verification shall include that:
- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency
 - ii) All imported material is suitable for its intended use
 - iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified

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 ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.

- 7 The development hereby approved shall not commence unless and until the details of a scheme to provide sound insulation against internally generated noise shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed prior to the first use of the building hereby approved and retained as such thereafter.

REASON: To protect the amenities of nearby residential properties in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 8 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 prior to first use/occupation of the development hereby approved. 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 development is undertaken in a manner that contributes positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To ensure the development is undertaken in a manner that contributes positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

- 10 The premises shall not be open for customers outside the following hours:
 09:00-21:00 Mondays - Fridays
 09:00-18:00 Saturdays and Sundays.

No customers shall be present upon the premises outside the permitted hours.

REASON: To protect the amenities of nearby residential properties in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 11 All tree protection measures shown on plan 1820/2/206 Rev R shall be installed throughout the construction period of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is undertaken in a manner that ensures that trees at the site continue to contribute positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

6. ADV/MAL/18/01066 - SOUTH OF WYCKE HILL & LIMEBROOK WAY

Application Number	ADV/MAL/18/01066
Location	Land South Of Wycke Hill and Limebrook Way, Maldon, Essex
Proposal	Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb.
Applicant	Maldon District Council
Agent	None.
Target Decision Date	19.11.18
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Council application

A Members' Update had been submitted detailing comments from a letter of objection received post publication of the report.

Following the Officers presentation a discussion ensued. Some Members voiced approval at the promotion of the district through this media. In response to Members questions the Development Management Team Leader confirmed that the land was not owned by Maldon District Council and that the advertisement consent would be for a limited period only. It was also advised that Planning Permission was not required, but Advertisement Consent is required.

Councillor S J Savage proposed that the application be refused contrary to the Officer's recommendation as the temporary nature of the advertisement negated the need for planning permission. This was not seconded.

The Chairman put the Officer's recommendation of approval to a vote and this was duly carried.

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

- 1 The express consent hereby granted shall be for a period of 2 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:
 - a. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c. hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 7 The advertisements hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan ATS/554/18, Block plan ATS/554/19 and elevations/hoarding visuals.
- 8 The advertisements hereby permitted shall measure a total linear length of no more than 100m at any one time (measured horizontally at the widest point).

7. FUL/MAL/18/01078 - 57 HIGH STREET

Application Number	FUL/MAL/18/01078
Location	Avanti Photographics 57 High Street Maldon Essex
Proposal	Reconfigure existing retail space with remainder converted to 2No. Maisonettes and 1No. Studio Flat
Applicant	Salisbury Bright Ideas (Maldon) Ltd
Agent	A R Property Designs
Target Decision Date	19.11.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in – Councillor M R Pearlman on the basis of the Town Council objections and the Conservation Officer's support

A Members' update was received detailing an assessment of the proposal in light of the recently adopted revised parking standards.

The Committee raised concerns regarding the size of windows and the impact this could have on the quality of life for any future residents. The issue of a lack of storage for the retail unit and the loss of another large retail unit in a prime high street location was discussed. However Members agreed that the issue of quality of life was subjective and was a choice the future occupiers would make. Members noted that the proposal included the retention of a retail unit.

Furthermore, it was confirmed that the retail unit would be independent to the proposed dwellings, and that an external side door was for the bin store.

Councillor M R Pearlman proposed that the application be approved contrary to the Officer's recommendation but subject to conditions. This was duly seconded.

Councillor I E Dobson proposed that the application be deferred until a site visit had taken place and this was duly seconded.

The Chairman put the Officer's recommendation of refusal to a vote and this was not carried.

The Chairman then put Councillor Pearlman's proposal to approve the application, contrary to the Officer's recommendation but subject to conditions, to the committee. Upon a vote being taken the application was approved subject to conditions.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: L1, 01, 02 revA, location plan, SK05
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area and the listed building in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 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 historic building recording from an accredited historic building recorder 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 building recording.
REASON: To ensure that the heritage assets of the site are suitably protected and recorded in accordance with policy D3 of the Maldon District Local Development Plan and the NPPF.
- 5 Prior to the first occupation of the building hereby permitted, the windows stated to be obscure glazed on plan 02.rev.A shall be glazed with opaque glass and of a nonopenable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON: To ensure the development is undertaken in accordance with the approved plans and in the interests of the amenities of neighbouring land users. In accordance with policy D1 of the Maldon District Local Development Plan and the NPPF
- 6 Prior to the first occupation of any of the flats hereby approved, details of the management of refuse collection from the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently refuse shall only be stored and collected in accordance with the approved details.
REASON: To ensure the suitable disposal of waste without causing harm to the character of the Conservation Area or the safety of the highway. In accordance with policy D1 of the Maldon District Local Development Plan.

8. LBC/MAL/18/01079 - 57 HIGH STREET

Application Number	LBC/MAL/18/01079
Location	Avanti Photographics 57 High Street Maldon Essex
Proposal	Works associated with reconfiguration of existing retail space and conversion of remainder to 2No. Maisonettes and 1No. Studio Flat
Applicant	Salisbury Bright Ideas (Maldon) Ltd
Agent	A R Property Designs
Target Decision Date	19.11.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in, Councillor M R Pearlman, of associated application reference FUL/MAL/18/01078

A brief discussion on the application took place.

The Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was resolved to grant listed building consent in accordance with the Officer's recommendation.

RESOLVED that the listed building consent be **GRANTED** in accordance with 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 be carried out in accordance with the following approved plans and documents: L1, 01, 02 revA, location plan, SK05
- 3 No works shall take place until a report by a conservator has been submitted to and approved in writing by the local planning authority. The report shall including the recording and analysing of the historic finishes on the second Page 54 Agenda Item no. 8 and third floors of the building and a methodology for their conservation. The works shall be carried-out in accordance with the approved details.
- 4 No works shall take place until large-scale drawings of all new windows and doors – illustrating elevations at 1:20, section details (including of glazing bars) at 1:2 and materials - have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

9. **HOUSE/MAL/18/01089 - 57 MARINERS WAY**

Application Number	HOUSE/MAL/18/01089
Location	57 Mariners Way, Maldon
Proposal	Variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). Amendment: Use of cladding.
Applicant	Mr David Brandon
Agent	N/A
Target Decision Date	12/11/2018
Case Officer	Louise Staplehurst
Parish	Maldon South
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs B D Harker Reason: Public interest

Following the Officer's presentation Mr David Bandon, the Applicant addressed the Committee.

Members' discussed the application taking into consideration the varied aesthetic of properties and commenting that there was no uniform appearance to properties within the estate and therefore the extension would not be considered out of keeping with the streetscene. A Member advised that when they had spoken to neighbours no objections were raised.

Councillor A T Cain proposed that the application be approved contrary to the Officer's recommendation but subject to conditions. This was duly seconded.

The Chairman first put the Officers' recommendation of refusal to the Committee, and upon a vote being taken this was rejected.

The Chairman put Councillor A T Cains' proposal to approve the application, contrary to the Officer's recommendation but, subject to conditions, to the Committee and upon a vote being taken the application was approved subject to conditions agreed in conjunction with the Chairman, Ward Members and Officers.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location plan, Block plan, 1332/1, 1332/2 A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The extension hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 20:47.

B E HARKER
CHAIRMAN

NOTE

**Page and minute numbers are subject to change upon completion of minutes from
the October 2018 Appointments Committee**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**
to
CENTRAL AREA PLANNING COMMITTEE
12 DECEMBER 2018

Application Number	FUL/MAL/18/00975
Location	Beeleigh Abbey, Abbey Turning, Maldon, Essex, CM9 6LL
Proposal	Construction of an aluminium framed ornamental glasshouse.
Applicant	Christopher Foyle
Agent	Mr Michael Dyson – Laurie Wood Associates
Target Decision Date	19.12.2018
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Major Application

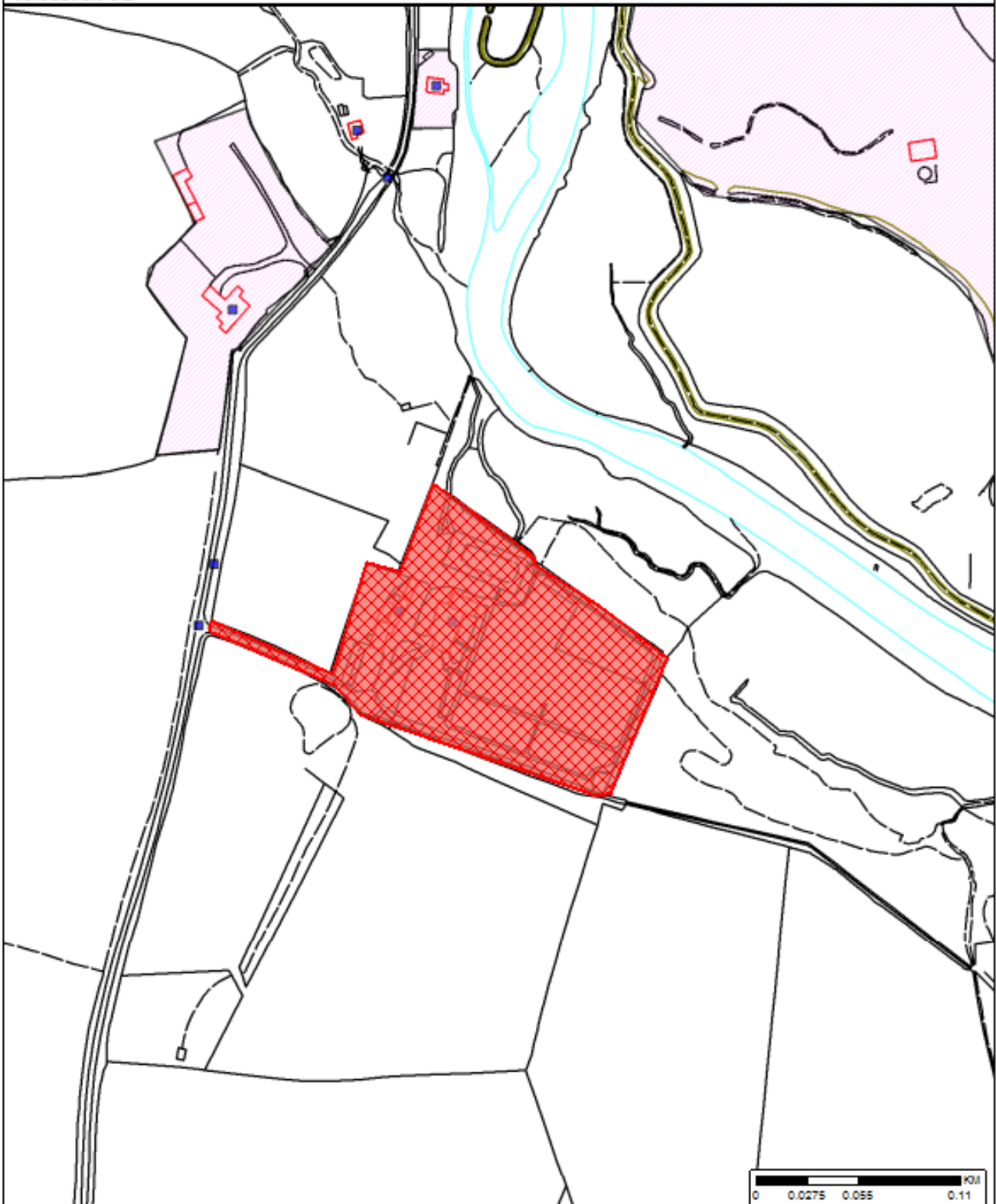
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Beeleigh Abbey, Maldon
18/00975/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	21/11/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located east of Abbey Turning, within the settlement boundary and conservation area of Maldon. The site is listed as a Historic Park and Garden and the host dwelling, Beeleigh Abbey, a Grade 1 listed building, is located within the grounds.
- 3.1.2 The proposal includes the construction of an ornamental glasshouse to the east of Beeleigh Abbey, within the main gardens, adjacent to the pond. It will measure 12.9 metres wide, 4.4 metres deep, 1.7 metres high to the eaves and 3.3 metres high overall.
- 3.1.3 In terms of materials, the plinth will be made of weathered yellow London stock bricks and the roof, doors and windows will be made of powder coated aluminium.

3.2 Conclusion

- 3.2.1 In conclusion, the proposed glasshouse is considered to be an acceptable addition which will not harm the character and appearance of the listed building, the setting of the Historic Park and Gardens, or the surrounding conservation area to an extent that would justify the refusal of the application. Furthermore, the proposed glasshouse will not impact on the amenity of neighbouring occupiers, parking provision or private amenity space. The proposal is therefore considered to be in accordance with policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP) and guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T1 Sustainable Transport

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site lies outside of any defined settlement boundary and is therefore rural in nature. Whilst located within a rural area, the principle of erecting a building associated with a residential use within a garden is considered acceptable and in accordance with policies S1, S8 and H4 of the MDLDP.

5.2 Design and Impact on the Character of the Area

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

- 5.2.2 It should be noted that good design is fundamental in creating better places to live and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account local design standards, style guides in plans or supplementary planning documents.”

- 5.2.3 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;

- d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundary, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided that the development is for proposals that are in compliance with policies within the LDP and other local planning guidance.
- 5.2.6 In addition, policy D3 is also applicable as the application site is within the Maldon Conservation Area and is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other aspects, to preserve or enhance its special character, appearance, setting including its streetscape and landscape value and any features and fabric of architectural or historic interest.
- 5.2.7 The development is considered to be an appropriate style and design for a glasshouse, as are the materials of brick and glazing. The materials do not match the host dwelling but are not considered to cause harm to the visual amenity of the site or surrounding area to an extent that would justify the refusal of the application. The overall design, including the bulk and height are in keeping with the garden of the dwelling to an acceptable degree. Due to the large size of the application site, the 47.4 square metre footprint of the glasshouse is not considered to appear cramped or represent an overdevelopment of the site. Due to its height, it is not considered to be an overbearing or unduly prominent addition. Furthermore, it is positioned to the rear of Beeleigh Abbey, set back over 170 metres from Abbey Turning. It is not visible from the public realm and therefore it does not have a harmful impact on the streetscene or the surrounding conservation area.
- 5.2.8 Furthermore, the Conservation Officer considers that the proposed glasshouse is a modest and traditional style structure that would complement the setting of the Abbey and the special character of the grounds, and would cause no harm to the significance of the heritage assets.
- 5.2.9 Overall, the proposed glasshouse is not considered to cause demonstrable harm to the character and appearance of the listed building, the setting of the Historic Park and Gardens or the surrounding conservation area and it is therefore in accordance with policies D1, D3, H4 and S8 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The closest neighbour is Beeleigh Grange, to the north of the site, and is located over 250 metres from the proposed glasshouse. Due to the separation distance between Beeleigh Abbey and Beeleigh Grange, and the lack of other neighbouring dwellings within the vicinity, the proposed glasshouse is not considered to have a demonstrable impact on the residential amenity of neighbouring occupiers, by way of overlooking or overshadowing, in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards Supplementary Planning Document (SPD) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed glasshouse will not result in any increase in parking, nor will it impact on highway safety and therefore there is no objection to the proposal in relation to parking and highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for

dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

- 5.5.2 The proposed glasshouse will result in a very minor reduction of amenity space however it will remain significantly in excess of the standard at over 19,000 square metres and therefore there is no objection to the proposal in relation to private amenity space.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/01/01107** – Alterations to structure of gable and return wall to improve stability – Grant Listed Building Consent (12.02.2002).
- **FUL/MAL/02/00290**– Construction of new entrance gateway to grounds – Approved (23.05.2002).
- **LBC/MAL/02/00842**– Remove ground and first floor partitions, remove and replace internal stairs, remove windows and doors from west elevation and replace with 4 new windows, remove and replace ground floor window in south elevation – Approved (09.10.2002).
- **TCA/MAL/02/01116**– Pruning work to 15 lime trees. Felling of 2 lime trees and replacement with 2 yew trees. Fell and clear 5 sycamore trees. Crown reduction of one willow tree – Allow to proceed (02.12.2002).
- **LBC/MAL/03/00542**– Proposed laying of antique limestone flags on ground floor – Approved (04.11.2003).
- **LBC/MAL/04/00903**– To maintain the removal of the render to the west facade of the modern 1912 extension – Refused – Appeal Allowed (05.10.2004).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support.	Comments noted.

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Beeleigh Abbey is a grade 1 listed building of outstanding significance. The grounds are on the list of Historic Designated Landscapes and should be regarded as a non-designated heritage asset.	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	The proposed glasshouse is a modest a traditional style structure and would complement the setting of the Abbey and grounds. It will cause no harm to the significance of the heritage assets and therefore no objection is raised to the unconditional grant of consent.	

External Consultees

Name of External Consultee	Comment	Officer Response
Historic England	No response.	Not applicable.

7.3 Representations received from Interested Parties

7.3.1 No letters of representation have been received in relation to this application.

8. PROPOSED CONDITIONS

- 1 The proposed development 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 and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: VPF 5543/M 1 OF 3, VPF 5543/M 2 OF 3, VPF 5543/M 3 OF 3, 258-01 rev C, 258-02 rev E
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the glasshouse hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Framework and guidance contained within the NPPF.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
12 DECEMBER 2018**

Application Number	FUL/MAL/18/01174
Location	Connect House, Quayside Industrial Estate, Bates Road, Maldon, Essex, CM9 5FA
Proposal	Change of use of Connect House from industrial warehousing (Use Class B2) to short term operating reserve and peak power ('STOR') embedded generating plant (sui generis) together with external alterations to Connect House including demolition of the eastern section of the building and the internal building service area on the western elevation; erection of an external chimney with 6 integrated exhaust stacks, auxiliary equipment, 6 radiator cooling units, HV switchboard enclosure, gas kiosk, substations, acoustic barrier and security fence and associated works.
Applicant	Blackwater Power Ltd
Agent	Lichfields
Target Decision Date	04.12.2018 – requested EOT to 17.12.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Call-in by Councillor Rev. A E J Shrimpton for the reason of public interest

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

FUL/MAL/18/01174

Connect House



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Maldon District Council 100018588 2014



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Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 09/11/2018

MSA Number: 100018588

Agenda Item no. 6

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of Bates Road within an established industrial estate which is part of the 43.6ha 'Causeway, Maldon and Heybridge' area (E1(1)) allocated within the Local Development Plan (LDP) for B1, B2, B8 uses. The site is also within the Causeway Regeneration Area designated as part of the Maldon and Heybridge Central Area Masterplan (Policy S5).
- 3.1.2 The 0.24 hectare (ha) site accommodates a building at its southern end with a forecourt to the north adjacent to Bates Road which accommodates a parking area. There is an existing vehicular access located in the north-eastern corner of the site. There are existing, commercial uses on all sides.
- 3.1.3 The development proposed is the change of use of Connect House from industrial warehousing (Use Class B2) to Short Term Operating Reserve and peak power ('STOR') embedded generating plant (sui generis). This would include external alterations to Connect House including the demolition of the eastern section of the building and the internal building service area on the western elevation. An external chimney would be erected 14m in height with six integrated exhaust stacks on the south-eastern elevation. In addition, auxiliary equipment, six radiator cooling units, a HV switchboard enclosure, a gas kiosk, substations, an acoustic barrier, security fence and associated works are also proposed.
- 3.1.4 Following the demolition proposed, the building would measure 25m in width and 33m in length. The existing building is 8.5m in height. Six penthouse louvres would be added to the south-eastern roof slope of the building, each 2m x 2.5m and 1.7m in height. Louvres would also be added to the north-western and south-western elevations of the building. The existing roof and wall metal sheet cladding would remain as existing.
- 3.1.5 The acoustic barrier fencing (grey in colour) would be 3.5m in height (including electric fencing) along the south-eastern boundary of the site for a distance of around 40m from the southern corner of the site. A section of acoustic fencing 4.95m in height would be located between the front elevation of the building and the south-eastern boundary of the site. The acoustic fencing would enclose the chimney stack, 6no. dry radiator coolers (each 6.8m x 2.2m and 3m in height) and High Voltage switch gear 4.7m x 9.6m and 4m in height, all of which would be grey in colour.
- 3.1.6 Beyond the acoustic barrier, adjacent to the south-eastern boundary of the site would be two DNO rooms (substations) (each 3m x 3m and 3.4 m in height) and a gas kiosk (2.3m x 6m and 2.5m in height) enclosed by security palisade fencing 3.5m in height and green in colour. The same security fencing would be erected along the south-western and the majority of the north-western boundaries of the site.
- 3.1.7 A security barrier would be erected across the vehicular access to the site. The existing fencing along the site's frontage would be retained.

- 3.1.8 A total of 13 car parking spaces would be provided within the forecourt of the building for maintenance vehicles / visitors. Ten parking spaces would be removed to accommodate the gas kiosk and substations.
- 3.1.9 The application has been accompanied by a Tree Survey and Impact Assessment and a Tree Constraints Plan which demonstrates how three, young oak trees along the frontage of the site would be retained.
- 3.1.10 The application has also been accompanied by a Design and Access Statement and a Planning Statement, which provides the following additional information:
- The role of Short Term Operating Reserve (STOR) generating facilities is to generate electricity at short notice to fill an 'energy gap' within the local electricity network, to prevent serious fluctuations and blackouts e.g. when alternative methods of energy generation from renewable sources fail to generate sufficient electricity or when there is a short period of exceptional demand. The National Grid estimates that for every 8kW of wind power, 1kW of demand response / back-up energy is required. Traditional power stations are generally not designed to meet short term demand and are not as flexible as STOR facilities. The STOR would only be used at times of network 'stress'.
 - The STOR would avoid the need for reinforcement of the distribution network as electricity demand increases locally with planned residential and commercial developments and has the benefit of the power being generated close to where it is used.
 - The site is currently vacant and accommodates 973sq.m. of floorspace – the proposal would reduce this floorspace to 785sq.m.
 - The building would accommodate six combustion engines within acoustic enclosures powered by natural gas. The exhaust emissions are similar to those produced by a conventional gas-fired central heating boiler.
 - The chimney is required for the controlled release of emissions into the atmosphere and is the optimum design to ensure the exhaust emissions are suitably dispersed to minimize effects on air quality.
 - Maintenance vehicles will visit the site on a weekly basis.
 - The proposed development would employ four part-time staff during the 20-30 years operational lifespan of the facility.
 - The site is an optimum location as it has suitable connection points to the gas and electricity networks and is close to potential sources of demand.
- 3.1.11 The Flood Risk Assessment and Drainage Strategy concludes that the proposals would be safe and appropriate and would not cause increased flood risk.
- 3.1.12 As part of the Air Quality Assessment it is stated that the air quality impacts of the proposal on local ecological receptors (Blackwater Estuary Site of Special Scientific Interest (SSSI) to south-east, an ancient woodland and Loft Farm Pits SSSI to the north) would be negligible, and that the air quality impacts on humans are expected to be within acceptable limits.
- 3.1.13 The Acoustic Technical report concludes that the development would have a low impact when assessed in accordance with BS4142:2014 taking into account the short term operating nature of the proposal and that night time use is unlikely.

- 3.1.14 An Environmental Impact Assessment (EIA) Screening Opinion has not formally been adopted, but it is relevant to note that the proposal would not be EIA development as the site area is less than 0.5 ha.

3.2 Conclusion

- 3.2.1 No objection is raised to the principle of the development and, given the industrial estate location of the site, it is considered that the development would not have a materially adverse impact on the character and appearance of the area. Any potential adverse impact on local residents could be adequately addressed through the imposition of conditions. The development is considered to be acceptable from a highways, access and parking perspective. The development would also be acceptable on flood risk grounds.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and the Environmental Impact of Development
- D4 Renewable and Low Carbon Energy Generation
- D5 Flood Risk

- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards
- Maldon District Design Guide (MDDG)
- Maldon and Heybridge Central Area Masterplan Supplementary Planning Document (SPD)
- Maldon District Renewable and Low Carbon Technologies SPD

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of development, the impact of the development of the character and appearance of the area, any impact on the amenity of local residents, highways, access and parking, and flood risk.

5.2 Principle of Development

- 5.2.1 With respect to sustainable development, one of the key principles to be applied, as set out in Policy S1, is to ensure a healthy and competitive local economy by providing sufficient space, flexibility and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District. The Policy also includes principles relating to the use of renewable energy and promoting the effective use of land, prioritizing development on previously development land.
- 5.2.2 Policy E1 requires that the industrial estate within which the site is located is reserved for employment development within Classes B1, B2 and B8. The Policy states that designated employment areas will be retained and protected for Class B Uses as specified and Sui Generis Uses of an employment nature unless it can be demonstrated that there is no reasonable prospect for the site to be used for these purposes.
- 5.2.3 The application site is located within the Causeway Regeneration Area referred to in Policy S5 of the LDP as part of the Central Area. The Policy states that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities. It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces. One of the aims of the Policy is the renewal of the Causeway Regeneration Area to improve the supply of high quality Use Class B floorspace (commercial and industrial) and increase employment.

- 5.2.4 The applicant refers to the support within the NPPF for the transition to a low carbon future (paragraph 148) and that the STOR proposed would support this transition by generating electricity at short notice to fill an ‘energy gap’ within the local electricity network, to prevent serious fluctuations and blackouts e.g. when alternative methods of energy generation from renewable sources fail to generate sufficient electricity.
- 5.2.5 The applicant considers that the proposal accords with Policy E1 as, whilst not being a B1, B2 or B8 use, it would be a sui generis use that will generate employment during the construction and operational phases. They consider that the proposal is industrial in nature, would be compatible with the prevailing development in the area and would provide a complementary and supportive use for existing Class B industrial and commercial uses at Quayside Industrial Estate and in the wider Maldon and Heybridge Strategic Growth Area. The proposal would bring back into use a site which has been vacant since 2016 and has been actively marketed since December 2016, without success. With reference to the relevant criteria of the part of Policy E1 for the assessment of proposals which would result in a loss of existing employment uses, the applicant considers that the site would have a greater benefit to the local community if the alternative use were permitted and the site has been marketed for almost two years at competitive rates to various commercial sectors but has attracted no firm offers, other than from the applicant.
- 5.2.6 The proposed development would generate employment during the construction phase and four, part time staff when operational but this level of employment would be minimal. Therefore, it is considered that the proposal would not comply with the first part of Policy E1 as the proposal is not for a Class B1, B2 or B8 use or a Sui Generis use of an employment nature. However, the proposal would use a site which has been vacant for around two years and the owners have been unsuccessful in finding a new Class B1, B2 or B8 occupier. Therefore, it can be concluded that there is limited prospect of the site being used for these purposes, in compliance with Policy E1. Furthermore, the character and appearance of the use proposed is industrial in nature and is, therefore, not considered to be an inappropriate use within this allocated employment area which extends to 43.6ha. Some weight can also be attached to the applicant’s suggestion that the proposed use would potentially complement and support existing employment uses by providing power and ensuring business continuity at all times.
- 5.2.7 Taking all of the above into account, an objection to the principle of the proposed development in this location is not raised and it is considered that the proposal is not contrary to the aims and objectives of Policies E1, S1 and S5 of the LDP.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality, built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The development would largely re-use the existing building and the alterations to the external appearance of the building would be in keeping with the existing building and its commercial / industrial setting. There are concerns that the proposed external chimney, at 14m in height, would be a visually prominent element in the local area. A chimney of this height also has the potential to be visible in longer views beyond the industrial estate. However, the adjacent industrial unit to the south-east of the site is understood to be 11.5m in height which would screen the majority of the chimney from views from the east / south-east and it is considered that, overall, a single chimney, even at the height proposed, would have limited adverse visual impact in the wider context of the site. When originally submitted, the chimney was proposed at a height of 17m but this has since been reduced to a height of 14m and it is now proposed to coat the chimney with a goosewing grey finish rather than it having a galvanised steel finish, in response to the concerns raised by the Town Council.
- 5.3.6 The development would include acoustic fencing up to 3.5m in height (with a section up to 4.95m in height) but this fencing would not be prominent in the street scene being located over 36m from the boundary of the site with Bates Road and positioned between the side of the existing building on site and the existing building on the adjacent site to the south-east.

- 5.3.7 Overall, given the industrial estate location of the site and the functional need for a chimney of this height and design for the use proposed, it is considered that the development would not have a materially adverse impact on the character and appearance of the area.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017). Policy D2 requires that all development must minimize its impact on the environment by incorporating a number of principles, including that all forms of possible pollution are minimized including air, land, water, odour, noise and light; and that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation.
- 5.4.2 The proposal would be located within an existing industrial estate and would be separated from the nearest residential properties (to the west on The Causeway and to the north-east on Hall Road) by a distance of around 130m and be beyond other existing industrial units.
- 5.4.3 As a result of this physical separation, the technical reports which have been submitted with the application and the advice of the Environmental Health Officer, it is considered that the development would not cause harm to the amenity of any existing residents by reason of pollution, subject to the imposition of conditions as recommended by the Environmental Health Officer requiring details of external plant and machinery as well as external illumination.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 There is no adopted parking standard for the particular type of use proposed but, on the basis of the limited staff and visitors that would need to access the site, it is considered that the 13 parking spaces proposed would be more than sufficient. By way of comparison, the adopted parking standard for Class B8 uses is a minimum of one space per 150sq.m. (warehouse storage) or one space per 100sq.m. (warehouse distribution) which would equate to a minimum provision of between six and eight spaces, for the amount of floorspace proposed.

- 5.5.4 In relation to cycle parking, there is no adopted standard for the use proposed but, as a guide, for Class B8 use, the standard is for one space per 500sq.m. of building floor space for staff and one space per 1000sq.m. for visitors which equates to a total of three spaces. No spaces are proposed but provision could be required by condition.
- 5.5.5 The existing vehicular accesses to the site would be retained along with the majority of the existing forecourt. The Highways Officer has raised no objection subject to the imposition of a condition relating to the proposed entrance barrier and requiring that the loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic are provided clear of the highway. Based on this advice, it is considered that the proposal would not cause adverse issues with respect to highway safety or access.

5.6 Flood Risk and Drainage

- 5.6.1 The site where the development is proposed lies within Flood Zone 3a, high probability of flooding. The majority of the application site is at low risk of surface water flooding although there is a medium risk along the south-eastern and south-western elevations of the building, and the site is at risk of flooding from reservoirs, according to the Environment Agency's website.
- 5.6.2 The proposal is for 'less vulnerable' development as defined in Planning Policy Guidance (PPG). The Sequential and Exceptions Test do not need to be applied to changes of use.
- 5.6.3 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.6.4 When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of the Flood Risk Assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - The development is appropriately flood resistant and resilient;
 - It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - Any residual risk can be safely managed; and,
 - Safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 5.6.5 As part of the Flood Risk Assessment (FRA) submitted, it is stated that the site benefits from flood defences and so would be protected for the lifetime of the development. The FRA states that there is a small residual risk of the defences being breached but that this risk can be mitigated against by raising any new critical

infrastructure above finished floor level by 300mm and the applicant registering to received Environment Agency (EA) warnings, which the applicant accepts. The risk of flooding from all other sources is assessed as low. Surface water and foul drainage would not increase and would continue to drain to the existing soakaways and the public foul sewer in Bates Road, respectively.

5.6.6 The Environment Agency advises that the key points to note from the submitted FRA are:

- The site lies within the flood event for a 0.5% (1 in 200) annual probability event including an allowance for climate change.
- The site does benefit from the presence of defences.
- Finished floor levels have not been confirmed. However, section 4.7 of the FRA confirms the floor levels will remain as existing.
- The proposal does not have a safe means of access in the event of flooding from all new buildings to an area wholly outside the floodplain (up to 0.5% (1 in 2,000 annual probability including climate change flood event). The Agency has no objections to the proposed development on flood risk access safety grounds because an Emergency Flood Plan has been submitted by the applicant, but the Local Planning Authority should determine its adequacy to ensure the safety of the occupants [see paragraph 5.6.7 below].
- Compensatory storage is not required

Residual Risk

- The site could experience breach flood depths of up to 3m during the 0.5% (1 in 200) annual probability including climate change breach flood event and up to 3m during the 0.1% (1 in 1,000) annual probability including climate change breach flood event (up to the year 2107). Therefore, assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.
- Flood resilience / resistance measures have not been proposed.
- A Flood Evacuation Plan has been proposed.

5.6.7 The Emergency Planner has recommended that a condition is imposed requiring that a flood warning and evacuation plan is available on site for all members of staff.

5.6.8 Based on the advice of the Environment Agency and the FRA submitted, it is concluded that the proposed development would be acceptable from a flood risk perspective, provided that the recommendations of the FRA are implemented and subject to the imposition of conditions requiring a flood warning and evacuation plan as well as flood resilience / resistance measures.

5.7 Other Matters

- 5.7.1 The application site is not located adjacent to any land designated for nature conservation purposes and it is understood that the chimney proposed has been designed to ensure that exhaust emissions are suitably dispersed to minimize effects on air quality. Therefore, it is considered that the proposal would not have an adverse impact on nature conservation interests.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/96/00783** – erection of new building (Class B2) for production purposes including mezzanine storage and showroom vehicle access, lorry turning, car parking, sawdust extraction hoppers, and associated development. Approved on 13 February 1997.
- **ADV/MAL/97/00525** – Externally illuminated company board and crest logo. Approved on 21 August 1997.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as the proposed chimney would be an over-dominant feature which would be an eyesore, being out of keeping with the street scene; burning fossil fuel to produce electricity would be detrimental to the environment.	With respect to visual impact, refer to section 5.3 of report. With respect to the use of fossil fuels, the applicant has explained how the site would be used.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Cadent Gas	There is apparatus in the vicinity of the proposal which may be affected by the proposal - recommend informatives.	Noted.
Highways Officer	The Highway Authority does not object to the proposals as submitted, subject to conditions relating to gates / barriers	Noted – refer to section 5.5 of report.

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	and loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic being provided clear of the highway; and informatives.	
Environment Agency	No objections provided that the Local Planning Authority has taken into account the flood risk considerations which are its responsibility.	Noted – refer to section 5.6 of report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	The information contained within the FRA should be adequate if used as intended in a flooding incident but request that a condition is imposed requiring that a separate flood warning and evacuation plan is available on site for all members of staff.	Noted – refer to section 5.6 of report.
Environmental Health Officer	No objections subject to conditions relating to noise and external illumination. The conclusion of the Air Quality Assessment appears to be reasonable. Informatives are also recommended.	Noted – refer to section 5.4 of report.
Conservation Officer	The proposal would not cause harm to the setting or significance of any designated heritage assets.	Noted.

7.4 Representations received from Interested Parties

7.4.1 At the time of writing this report, no letters of representation have been received.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PL_MA_001rev.01, PL_MA_002.rev.5, PL_MA_BP_005rev.04, PL_MA_SE_006rev.04, PL_MA_PBP_007rev.03 received on 27/11/18, PL_MA_NSE_008rev.00, Flood Risk Assessment & Drainage Strategy 619874-MLM-ZZ-XX-RP-C-0001 by MLM Group dated 27/09/2018, Air Quality Assessment 776933-MLM-ZZ-XX-RP-J-0001 by MLM Group dated 26/11/2018, Acoustic Technical Report ref.102509-MLM-ZZ-XX-RP-U-0001 by MLM Group dated 27/09/2018, Tree Survey and Impact Assessment 1111-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA dated September 2018, 1111-KC-XX-YTREE-TCP01rev0, 1111-KC_XX_YTREE_TPP01rev.A.
REASON To ensure that the development is carried out in accordance with the details as approved.
3. Details of all external plant and machinery to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The plant and machinery shall be installed and operated in accordance with the approved details and retained as such in perpetuity.
REASON In the interests of the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
4. The development shall not be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be made available for inspection by all occupiers and customers to the site and shall be displayed in a visible location all times thereafter.
REASON As the building is located with Flood Zone 3, in the interests of minimising flood risk, in accord with Policies S1 and D5 of the Maldon District Approved Local Development Plan and the NPPF.
5. Details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings 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 the interests of the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
6. Prior to the commencement of the use hereby permitted, provision shall be made for the storage of three bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the Local Planning Authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage shall be retained as approved in perpetuity.
REASON To promote the use of sustainable means of transport in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
7. The use hereby permitted shall not commence until details of flood resilience / resistance measures to be incorporated into the development have been

submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such thereafter.

REASON As the site is in an area of high flood risk, in the interests of maximising flood protection for future users of the development, in accord with Policies S1 and D5 of the Maldon District Approved Local Development Plan.

8. Any gates / barriers provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway boundary.

REASON To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

9. Prior to commencement of the development, the areas within the curtilage of the site for loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

10. All measures set out within the noise assessment, including all acoustic fencing, shall be in place prior to the first beneficial use of the building hereby approved and shall be retained as such in perpetuity.

REASON In the interests of the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.

INFORMATIVES

1. 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.
2. 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 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
3. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were 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 and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

4. Considerations in relation to gas pipeline/s identified on site: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus, then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays. If any construction traffic is likely to cross a Cadent pipeline, then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
12 DECEMBER 2018**

Application Number	FUL/MAL/18/01286
Location	Land Rear Of 119 High Street Maldon Essex
Proposal	Single storey 1 bedroom dwelling
Applicant	Mrs Judy Smith
Agent	Annabel Brown Architect
Target Decision Date	27 December 2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	The application was referred by Councillor M R Pearlman in the public interest.

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

FUL/MAL/18/01286

Land rear of 119 High Street, Maldon



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	Organisation: Maldon District Council
	Department: Department
	Comments: Central Area Committee
	Date: 27/11/2018
	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the rear of commercial properties located on the northern side of High Street Maldon. The site is within the settlement boundary of Maldon and within the Conservation Area. The adjacent 119 High Street is a Grade II listed building, group listed with 117, 119a and 121 High Street.
- 3.1.2 Access to the site is from High Street and comprises a narrow vehicle access between retail outlets which leads to an elongated single storey outbuilding set against the eastern boundary and on to a building which comprises 2, two bedroom flats (Haig Court) which adjoin the northern boundary of the site.
- 3.1.3 The area is characteristic of land to the rear of retail units with the site and those adjacent containing rear access points to the shops and first floor accommodation, waste areas and some parking. To the east of the site is a vacant plot which is the subject of planning permission for 'Mixed use scheme comprising of 1 single storey retail and 5 residential units. Demolition of existing single storey outbuildings and extensions' (reference FUL/MAL/12/01071) which was allowed on appeal in August 2014.
- 3.1.4 The proposal is for a single storey, one bedroom dwelling. The proposal would include the demolition of the existing outbuildings on the site which are indicated as being a maximum of 4.3m in height and around 17.2m in length. The proposed dwelling would be 12.9m in length x 6.2m in width and a maximum of 5.9m in height. The front/western elevation would contain a front door along with a hall and kitchen windows. There would be a bedroom window and two bathroom/toilet windows on the eastern elevation. A kitchen/living room would be on the northern elevation. There would be a parking space provided adjacent to the southern elevation of the building. In terms of external materials, the walls would be constructed using brickwork and timber weatherboarding and the roof would be covered using clay tiles; windows would be aluminium powder coated.
- 3.1.5 The application has been accompanied by a Design and Access Statement.

3.2 Conclusion

- 3.2.1 The proposal is acceptable in principle and would not have an adverse impact on the character and appearance of the area, including the Conservation Area within which it would be located and the setting of the neighbouring listed buildings. The proposal would also provide an adequate quality of life for the occupiers of the proposed dwelling and would not have an adverse impact on the existing or proposed occupiers of neighbouring residential properties. Objection to the scheme on the basis of access, parking or highway safety is not raised. The issue of archaeology could be adequately addressed through the imposition of conditions.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 85-90 Ensuring the vitality of town centres
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide (MDDG)
- Maldon and Heybridge Central Area Masterplan

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, the impact of the development on heritage assets (Conservation Area and listed buildings), any impact on the amenity of the occupiers of neighbouring properties, the quality of life for the occupiers of the proposed dwelling and access/highways/parking. The matter of archaeology also requires consideration.

5.2 Principle of Development

- 5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimising need to travel.
- 5.2.2 Policy S5 states that proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.2.3 The application site is in a mixed-use area within the Town of Maldon and, therefore, the principle of residential development is not unacceptable in principle, subject to an assessment of the proposal as set out below.
- 5.2.4 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three bedroom plus units. As the unit would be one-bedroomed, this would contribute positively to the identified housing need and be responsive to local circumstances.

5.3 Design and Impact on the Character of the Area and Impact on Heritage Assets

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved MDLDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3.7 As part of the previous appeal decision (reference FUL/MAL/17/01063) the Inspector stated that:-

By itself the design and form of the proposal would fit into the site, inhabiting the space largely taken by the current outbuildings and maintaining much of their form, style, and aesthetic in its design. As such I agree with the Council's Conservation Officer that the proposal on its own would preserve the character and appearance of the MCA and would not harm the significance of No 119 High Street.

- 5.3.8 However, in dismissing the appeal, the Inspector gave substantial weight to an extant permission at the neighbouring site and considered that:-

The construction of the appeal proposal would significantly change the context of the extant scheme site and both schemes together would cumulatively substantially fill the area behind Nos 117-125, to the detriment of the conservation area and the setting of No 119. While the extant scheme would add to the tight knit urban form of the area to the north of the High Street, when combined with the appeal scheme, this would result in the overdevelopment of the backland area to the detriment of the heritage assets.

The listed building consent would involve the demolition of the curtilage buildings. While not particularly noteworthy, these are nevertheless vernacular buildings which contribute to the setting of No 119 and the character of the MCA. The demolition of them with no agreed replacement scheme would leave an open space to the rear of No 119, harming the setting of the heritage asset.

I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 196 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal.

The public benefits of the scheme may be considered to include the redevelopment of a brownfield site, and there are limited economic and social benefits arising from the new house. However, there is no evidence of a shortage of housing in the area. While there are some public benefits therefore, these are limited, and insufficient to outweigh the less than substantial harm that the proposed development would cause to the significance of the conservation area and the setting of the Grade II listed building.

- 5.3.9 The current application is for a reduced amount of development as accommodation is only proposed at ground floor level and a one, rather than a two, bedroom dwelling is proposed. The previously proposed dwelling would have been between 5.5m and 7.5m in height; the height of the proposed dwelling has been significantly reduced by up to 2.3m. The existing single storey building would be replaced with a single storey building with a more compact footprint and the majority of the new building would only be 1.1m greater in height than the building which exists. The northernmost element of the new building would be a maximum of 1.6m greater in height than the existing building but it is not considered that the development, overall, would result in the same level harm identified by the Inspector referred to above. This view takes into account the extant planning permission for residential development on land neighbouring the eastern boundary of the site (reference FUL/MAL/12/01071).
- 5.3.10 The external materials proposed would be appropriate for the historic setting of the site and the size, height and design of the dwelling proposed along with the layout of

the site would not be inappropriate to the site's location. There is very limited information with regard to boundary treatments but this could be required through a condition.

- 5.3.11 The Conservation Officer has provided the following specialist advice regarding the significance of the heritage assets affected by the proposal:

The site falls within the Maldon Conservation Area. No. 119 High Street forms part of a grade II listed building, along with Nos. 117 and 121. The building was originally built in the 15th century as a hall house with two crosswings. No. 117 is the most complete part, and represents a high-end crosswing with a shop in its front bay. No. 119 occupies the site of the hall range, apparently rebuilt in the post-medieval period. No. 121 is a low-end crosswing, but only very few of its original features are visible. The building's medieval origins are not apparent from the outside since it was substantially altered in the Georgian period. A brick façade was planted onto the frontage, the roof was reconfigured, and each of the medieval building's three parts was subdivided into three separate properties. As one of the oldest structures on the High Street, this listed building is of considerable significance. While the Georgian phases are of less value, it is the juxtaposition of ancient timber-framed origins and later Georgian upgrading which defines much of the High Street's special character. It is an attractive building, which makes a very positive contribution to the Maldon Conservation Area.

The list description mentions two "linked outhouses, part black weatherboarded, part brick, with gabled pantiled roofs". These are the buildings which this application seeks to demolish and replace. The footprint of these buildings appears on the 1875 OS Town Plan. However, the buildings appear to have been altered, if not completely rebuilt early in the 20th century when several of the walls were renewed in Fletton bricks. The structures possess some moderate heritage value as ramshackle service outbuildings such as were once common in the yards to the rear of commercial buildings on the High Street. The traditional form and vernacular materials used on the buildings impart an attractive appearance. Their value is nonetheless fairly limited, and certainly much less than the main listed building.

Nos 123 and 125 High Street, which adjoin Nos 117-121, are also grade II listed. This represents a late-Georgian brick frontage range – with handsome sash windows, shop fronts and portico entrance – and 17th century timber-framed rear ranges. Key aspects to the significance of this building relate to the positive contribution it makes to the streetscene and the archaeological interest of its older parts.

- 5.3.12 The Conservation Officer raises no objection to the proposal, advising as follows:-

I do not object to the replacement of the existing outbuildings, since they are of minimal significance and in a poor condition. The appearance of the proposed house would resemble that of the service outbuildings that were once common in the yards to the rear of commercial buildings on the High Street. If high quality materials are used, I advise that the proposed would not appear unsympathetic in this context.

- 5.3.13 However, the Conservation Officer recommends that conditions are imposed relating to the external materials to be used, boundary treatments and external surface finishes.

5.3.14 In conclusion, it is considered that the proposed development would not harm the character of the area, would preserve the character and appearance of the Conservation Area, and would not harm the significance of the setting of nos.117, 119 and 121 High Street, which are Grade II listed buildings, or the significance of this part of the Maldon Conservation Area, subject to the imposition of conditions requiring further details and samples of materials, which are recommended below. On this basis, it is considered that the previous objections to the development of this site due to its visual impact raised by the local planning authority and PINS have been overcome.

5.4 Impact on Residential Amenity

5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).

5.4.2 Planning permission exists for a four storey building containing residential development above ground floor level retail use on land adjacent to the eastern boundary of the current application site. The extant permission would include bedroom windows which would face the currently proposed development and which would be positioned at a distance of 2m from the building proposed.

5.4.3 The previous appeal was partly dismissed due to concerns regarding the impact of the development on the outlook of future occupiers of the consented scheme to the east of the site due to the proximity of the proposed building to the bedroom windows proposed at first floor level of Flat 3. The currently proposed scheme is for a single, rather than a two storey, building with a ridge height reduced by up to 2.3m and, therefore, it is considered that this previous reason for refusal and the concerns raised by the Inspector have been overcome.

5.4.4 A kitchen/living room window is proposed at ground floor level on the northern elevation of the proposed dwelling which would face the flats in Haig Court to the north. Whilst this elevation would be less than the 15m minimum from Haig Court flats as recommended in the Essex Design Guide, being at ground floor level, this window could be adequately screened by a standard screen fence or wall along the northern boundary of the site, details of which could be required by condition.

5.4.5 A bedroom window is proposed at ground floor level on the eastern elevation of the proposed dwelling which would face the proposed flats on neighbouring land to the east. Again, it is considered that this window could be adequately screened by a standard screen fence along the eastern boundary of the site, details of which could be required by condition.

5.4.6 Based on the above, it is considered that the proposed development would not have a materially adverse impact on the amenity of the occupiers of existing and proposed, neighbouring flats by reason of dominance, loss of outlook, loss of privacy, visual impact, daylight and sunlight. As a result of the nature and scale of the development proposed, the proposal would not have an adverse impact on neighbouring residents in relation to pollution, noise, light and smell.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The parking standard for one-bedroom dwellings (a minimum of 1 space) would be met by the proposal. It is not considered that, in a sustainable location like Maldon town centre, it would be reasonable to seek a greater level of on-site parking.
- 5.5.4 The existing vehicular access to the site would be retained.
- 5.5.5 The Highways Officer raises no objection to the proposal subject to the imposition of a condition that the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic are provided clear of the highway.
- 5.5.6 Based on the above, it is considered that the proposal would be acceptable from a parking and highway safety perspective.

5.6 Quality of Life

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The recommended minimum private amenity space provision for one bedroom dwellings is 50sq.m. The proposed development would not fulfill this requirement with an area of only around 25sq.m. proposed in the south-eastern corner of the site. The proposed habitable room windows would also only be 0.7m or 1.1m from the boundaries of the site. However, the floorspace within the dwelling would exceed the recommended minimum for a two person, single storey dwelling in the National Space Standards and the previous application was not refused planning permission at appeal due to concerns regarding proposed windows located at similar distances to the boundaries of the site. Furthermore, given the number and small size of the property proposed, the town centre location of the site and the availability of public open space within Maldon, it is not considered that an objection to the proposal based on the lack of external amenity space could be sustained in this case.
- 5.6.3 Based on the above, no objection to the proposal is raised due to the quality of life for the future occupiers of the proposed dwelling.

5.7 Other Matters

- 5.7.1 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out. ECC Archaeology have provided the following specialist advice in relation to the current proposal:

The proposed development is located in the heart of the historic town of Maldon. The immediate vicinity contains numerous archaeological remains, ranging in date from the Saxon period onwards (EHER 7719). No. 119 is a Listed Building, comprising part of a 15th century hall house, together with its neighbours at 117 and 121 (EHER 38362). Examination of the foundations for the building at the very rear of the plot at 119 recovered no archaeological features, as the very shallow foundations did not impact below the modern levels. However the proposed new building is much closer to the existing Listed Building and the depths of the archaeological deposits are not known. It is therefore possible that archaeological features relating to the origins and development of historic Maldon. Archaeological features are both fragile and irreplaceable and it is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This is in line with advice given the National Planning Policy Framework.

- 5.7.2 Based on this advice, it is considered that the matter of archaeology could be adequately addressed through the imposition of conditions requiring archaeological assessment and the implementation of an archaeological fieldwork programme.
- 5.7.3 With reference to the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence’ of these sites cover the whole of the Maldon District.
- 5.7.4 Natural England anticipate that, in the context of the local planning authority’s duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered ‘alone’ or ‘in combination’. Residential development includes all new dwellings (except for replacement dwellings), houses of multiple occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots. Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.5 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational

disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure. As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England's general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a 'proportionate financial contribution should be secured' from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of emerging RAMS.

- 5.7.6 To accord with Natural England's requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England's interim advice is guidance only, it is not considered that mitigation, in the form of a financial contribution, is necessary, in this case. Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.
- 5.7.7 Pre-commencement conditions are recommended and approval for the use of these conditions has been gained from the applicant's agent. It is considered that the pre-commencement conditions are necessary on the grounds that the site is located within an area of archaeological potential. The archaeological significance of the site needs to be established and any necessary archaeological work need to be completed before any works associated with the development proposed are commenced. Therefore, this matter is so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/18/01287** – Demolition works associated with re-development of the site for a single storey 1 bedroom townhouse – undetermined to date
- **FUL/MAL/17/01063** - Part 2 storey, part single storey 2 bedroom townhouse – appeal dismissed 17 October 2018
- **LBC/MAL/17/01064** - Part 2 storey, part single storey 2 bedroom townhouse – appeal dismissed 17 October 2018
- **FUL/MAL/17/00260** - Demolition of outbuildings and replacement with part two storey, part three storey, three bedroom town house – withdrawn 19 May 2017

- **LBC/MAL/17/00261** - Demolition of outbuildings and replacement with part two storey, part three storey, three bedroom town house – withdrawn 19 May 2017
- **FUL/MAL/17/00779** - New Townhouse – withdrawn 1 September 2017
- **LBC/MAL/17/00780** – New Townhouse - withdrawn 1 September 2017

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal - proposal would result in overdevelopment of the site and inappropriate backland development and would result in loss of historic environment; concerns regarding the restricted access particularly for services.	Refer to sections 5.3 and 5.5 of report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	No objection subject to a condition that the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.	Noted – refer to section 5.5 of report
County Archaeologist	No objection subject to the imposition of conditions	Noted – refer to section 5.7 of report
Cadent Gas	Low or medium pressure gas pipes and associated equipment have been identified as being in the vicinity of the proposed works	Noted - an informative is recommended

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Officer	No objection but recommends informatives	Noted – informatives are recommended

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection subject to conditions.	Refer to section 5.3 of report

7.4 Representations received from Interested Parties

- 7.4.1 **One** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Support provided that any existing arrangements for the delivery of goods to the adjacent shops and parking for shop staff are not compromised.	Noted but, given the town centre location of the site, it is considered that an objection due to the loss of parking for adjacent shops could not be sustained
One of the nearby brick boundary walls behind the sheds is in perilous condition- if the site is cleared the wall obviously needs to be made safe.	Noted but this would be a civil matter to be resolved privately between the relevant parties

8. PROPOSED CONDITIONS

- 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) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: A17509-PP04; A17509A BLOCK PLAN; A17509 -Survey02.
REASON To ensure that the development is carried out in accordance with the details as approved.
- All loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.
- 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 establish the archaeological significance of the site and given the archaeological potential of the site, in accordance with policy D3 of the

approved Local Development Plan (LDP) and guidance contained within the NPPF.

5. 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 site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by Essex County Council.

REASON Given the archaeological potential of the site, in accordance with policy D3 of the approved LDP and guidance contained within the NPPF.

6. No development shall take place above slab level until a sample of the materials to be used in the construction of the external surfaces of the building have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.

REASON In the interest of the character and appearance of the area and the setting of the listed building, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

7. No development shall take place above slab level until large-scale drawings of all new windows and doors – illustrating elevations at 1:20 and section details (including of glazing bars) at 1:2 - have been submitted to the Local Planning Authority for approval in writing. All external joinery shall be of painted timber only. The development shall be carried out in accordance with the approved materials/details.

REASON In the interest of the character and appearance of the area and the setting of the listed building, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

8. The development hereby permitted shall be carried-out, as follows:-
- All weatherboarding shall be of black painted timber and featheredged in profile.
 - All brickwork shall be laid in a Flemish bond and all bricks shall be bedded in mortar with a flush external joint profile.
 - All the external doors, fascias, soffits and the louvres on the northern gable shall be of timber only.

REASON In the interest of the character and appearance of the area and the setting of the listed building, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

9. Details of the materials to be used for all hard surfacing, shall be submitted to and approved in writing by the local planning authority, prior to their use on site. The surfacing shall be completed in accordance with the approved details prior to the commencement of the beneficial use of the building hereby permitted.

REASON In the interest of the character and appearance of the area, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

10. Prior to the beneficial occupation of the dwelling hereby permitted, all means of enclosure to be erected shall be installed in accordance with details which shall have been submitted to and gained the prior written agreement of the local planning authority. The means of enclosure shall be retained as permitted in perpetuity.
REASON In the interest of the character and appearance of the area, the setting of the listed building and the privacy of neighbouring residential occupiers, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.
11. Once the dwelling hereby permitted is occupied, refuse shall only be stored and collected in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. Subsequently refuse shall only be stored and collected in accordance with the approved details.
REASON To ensure the suitable disposal of waste without causing harm to the character of the Conservation Area or the safety of the highway. In accordance with policy D1 of the MDLDP.
12. Prior to the commencement of the use hereby permitted, provision shall be made for the storage of bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the local planning authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage shall be retained as approved in perpetuity.
REASON To promote the use of sustainable means of transport in accordance with Policy D1 of the Maldon District Approved LDP.
13. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (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 and no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building without planning permission having been obtained from the local planning authority.
REASON In the interest of the character and appearance of the area, the setting of the listed building and the amenity of neighbouring residential occupiers, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

INFORMATIVES

1. The applicant must ensure that the work is undertaken in accordance with the Control of Asbestos Regulations 2012 and its Approved Code of Practice which is regulated by the Health and Safety Executive. Under this Duty holders must complete a risk assessments and an asbestos management plan prior to the commencement of the works. The risk assessment will determine whether the works are licensed, notifiable non-licensed work or non-licensed. it will also require that prior to demolition a refurbishment/demolition survey will be required to ensure that nobody will be harmed and the works will be undertaken in the correct way. For further information please see the HSE's website. It is also recommended that the council's Building Control

department is notified of any demolition in order that requirements can be made under the Building Act 1984.

2. 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.
3. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were 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 and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
4. Low or medium pressure gas pipes and associated equipment have been identified as being in the vicinity of the proposed works. BEFORE carrying out any work you must:
 - Carefully read these requirements including the guidance documents and maps showing the location of apparatus provided by Cadent.
 - Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
 - Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
 - In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

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