

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

30 November 2021

Dear Councillor

You are summoned to attend the meeting of the

SOUTH EASTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 8 DECEMBER 2021** at **7.30 pm**

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

Please Note that due to social distancing and space limitations, we require any members of the press or a member of the public who wishes to speak under Public Participation rules at this meeting, to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP:

CHAIRMAN

Councillor V J Bell

VICE-CHAIRMAN

Councillor N J Skeens

COUNCILLORS

M G Bassenger
B S Beale MBE
R G Boyce MBE
Mrs P A Channer
R P F Dewick
A S Fluker
M W Helm
A L Hull
W Stamp, CC





AGENDA
SOUTH EASTERN AREA PLANNING COMMITTEE
WEDNESDAY 8 DECEMBER 2021

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 13 October 2021, (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. **21/00745/VAR - Land Rear of Red Lyons Farm, Burnham Road, Latchingdon, Essex** (Pages 15 - 24)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)*.

6. **Any other items of business that the Chairman of the Committee decides are urgent**
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Note:

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No.5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES**Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

Fire

In the 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 Televisions (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
- 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 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) - 2018
 - Planning Practice Guidance (PPG)
 - Planning policy for Traveller sites - 2015
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the report)
 - Essex and South Suffolk Shoreline Management Plan – October 2010

Supplementary Planning Guidance and Other Advice (continued)

ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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

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**MINUTES of
SOUTH EASTERN AREA PLANNING COMMITTEE
13 OCTOBER 2021**

PRESENT

Chairman Councillor V J Bell

Councillors M G Bassenger, R G Boyce MBE, Mrs P A Channer,
R P F Dewick, A S Fluker, M W Helm, A L Hull and
W Stamp, CC

In attendance Councillor C Morris

326. CHAIRMAN'S NOTICES

The Chairman welcomed all present and took the Committee through some general housekeeping issues.

327. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor N Skeens.

328. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 15 September 2021 be approved and confirmed.

329. DISCLOSURE OF INTEREST

Councillor W Stamp declared a non-pecuniary interest as member of Essex County Council a consultee on the planning applications.

Councillor R P F Dewick declared a non-pecuniary interest on Agenda Item 7 as the applicant was an occasional customer. Whilst he felt it was non-pecuniary he said he would leave the Chamber for this item of business.

330. 20/01191/FUL - HALL FARM, HALL ROAD, SOUTHMINSTER, ESSEX, CM0 7EH

Application Number	20/01191/FUL
Location	Hall Farm, Hall Road, Southminster, Essex, CM0 7EH
Proposal	Change of use of Southminster Hall to a mixed use providing a wedding ceremony room and residential use and the change of use of Southminster Hall grounds to provide a wedding venue to include siting of a marquee and WC facilities and ancillary parking and conversion of outbuilding to ancillary bridal suite.

Applicant	Mr & Mrs Cooper
Agent	Kate Jennings – Whirledge & Nott
Target Decision Date	16.09.2021
Case Officer	Kathryn Mathews
Parish	SOUTHMINSTER
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation and verbal update including additional conditions recommended following the receipt of a consultation response from Essex County Council's Highways Authority (ECC), the Agent, Ms Kate Jennings, addressed the Committee. The Chairman then opened the debate.

Councillor Fluker commenced by thanking Officers for listening to residents' concerns. He said that temporary permission was a good option as it gave all parties concerned the opportunity to understand shared needs. He proposed that the application be approved in accordance with the Officer's recommendation, together with an adjustment to timings in condition 6 from 11am-11:30pm to 11am-11:00pm. This was seconded by Councillor Beale.

Councillor Boyce, addressing condition 1, asked if the physical changes proposed to the buildings would also need to be returned to their present condition. The Specialist: Development Management recommended that the emphasis of condition 1 be on the change of use back to residential and that the physical changes proposed to the existing buildings could remain beyond the two year temporary permission period. Councillor Boyce said he was content with that subject to Ward Members agreement. This was seconded.

There being no further discussion the Chairman put the proposal to approve the application in accordance with the Officer's recommendation, with amendments to conditions 1 and 6. Upon a vote being taken the application was approved.

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

- 1 The use of the site hereby permitted shall be discontinued and returned to its current use as a single dwellinghouse, and the marquee and WC facilities shall be permanently removed from the site, all within two years of the date of this planning permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Site layout plan 15.09.2021
 - Location plan 22.09.2021
 - Proposed ceremony room floor plan
 - Marquee images
 - Details of mobile WCs
 - Existing floor and roof plan – 03rev.E
 - Existing sections – 04rev.E
 - Existing elevations – 05rev.E
 - Proposed floor plans – 06rev.E
 - Proposed sections – 07rev.E
 - Proposed elevations – 08rev.E
 - Proposed car park access and layout – 2167/01
- 3 Prior to the first use of the 'bridal suite' hereby permitted, details of the foul drainage scheme to serve this element of the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall

- be implemented prior to the first occupation of the 'bridal suite' and retained as approved thereafter.
- 4 The existence of any contaminated ground or groundwater and/or hazardous soil gases found must be reported in writing immediately, a risk assessment of the site undertaken and a scheme to bring the site to a suitable condition 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination (CLR 11)', the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and current UK best-practice guidance and policy.
- 5 With the exception of music played in the ceremony room during a wedding ceremony no public entertainment or public address system whatsoever, including but not limited to amplified sound or the playing of amplified music, shall take place on site other than within the marquee.
- 6 No public entertainment or public address system, including but not limited to amplified sound or the playing of amplified live or other music associated with the use hereby permitted, shall take place within the marquee except between 11:00 hours and 23:00 hours.
- 7 Prior to the first use of the site as a wedding venue the Zone Array sound system referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed, used and maintained at all times that the venue is in use.
- 8 Prior to the first use of the site as a wedding venue the electronic sound limiting/cut out device referred to in the report reference 12811220/NIAAdd dated 18th May 2020 by Integrated Acoustics Ltd shall be installed and fitted so that all regulated entertainment, including live performances, is channelled through the device to regulate the maximum sound level from the amplified sound systems used in the marquee. The system shall be retained thereafter for use at all events in the marquee.
- 9 No fireworks or other pyrotechnics shall be set off at the site in connection with the use hereby permitted.
- 10 Over any 15-minute period, the level of amplified sound emitted from the site shall not exceed 23dB as measured on the boundary of 20 Hall Road, Southminster. The site shall not open as a wedding venue until a verification report has been submitted to and agreed in writing by the local planning authority that demonstrates that this noise level has been achieved.
- 11 The car parking area for the venue shall be as detailed in Appendix 3 - Amended car parking area associated with the proposed development - of the Noise Impact Addendum, ref 12811220/NIAAdd dated 18th May 2020.
- 12 The measures identified in the Noise Management Plan detailed in Section 6.32 of the Noise Impact Assessment ref 12811220f1 dated 19th February 2021 and on page 3 of the addendum ref 12811220/NIAAdd dated 18th May 2020 shall be implemented prior to the first use of the wedding venue and remain as detailed at all times that the venue is in use.
- 13 The premises shall only be open to customers/visitors/guests between 11:00 hours and 00:00 hours. No persons other than staff connected with the use or guests staying in the overnight accommodation hereby permitted shall be on site outside of these hours.
- 14 There shall be no external lighting installed at the site unless and until details including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the local

- planning authority. All illumination within the site shall be installed in accordance with the approved details and retained as such thereafter.
- 15 The 'bridal suite' hereby permitted shall be only be used ancillary to the wedding venue use hereby permitted and for no other purpose.
- 16 There shall be no more than 40 events held each year.
- 17 Prior to the commencement of the use hereby permitted, storage for bicycles shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The storage shall be retained as approved for the length of the planning permission.
- 18 Other than the post and rail fence proposed (which shall be a timber fence of no more than 1.5m in height) and 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 gates, fence, wall or other means of enclosure shall be erected within the site without planning permission having been obtained from the local planning authority.
- 19 All existing trees and hedgerows shall be retained and shall be protected in accordance with the requirements of BS5837:2012 – Trees in Relation to Design, Demolition and Construction, in relation to the installation of the marquee and toilet facility hereby approved.
- 20 Prior to the first occupation of the proposed development, the existing field access shall be reconstructed as shown on drawing No.2167/01. The access shall be upgraded to a width of 6m for at least the first 6.0m within the site and shall be provided with an appropriate vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 21 There should be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic associated with the use hereby permitted and retained free of any obstruction at all times.
- 22 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

331. 21/00193/FULM - LAND ADJACENT CLIFFORDS FARM, BURNHAM ROAD, ALTHORNE, ESSEX

Application Number	21/00193/FULM
Location	Land Adjacent Cliffords Farm, Burnham Road, Althorne, Essex
Proposal	Erect 13No. dwellings comprising 8No. one and two-bedroom affordable apartments in 2 x two-storey buildings, and 5No. 4/5 bedroom two-storey detached houses with garages, form three new vehicular accesses onto Burnham Road, private drives, vehicle parking and manoeuvring areas and gardens, and lay out hard and soft landscaping
Applicant	Mrs Georgina McHugh
Agent	Mr Stewart Rowe - The Planning And Design Bureau Ltd
Target Decision Date	15.10.2021
Case Officer	Louise Staplehurst
Parish	ALTHORNE
Reason for Referral to the Committee / Council	Major Application

A Members' Update had been circulated prior to the meeting that noted Essex County Council's Highways Authority (ECC) had no objections and four of their recommended

conditions would be imposed. It also detailed further consultations and representations received and noted that the Lead Local Flood Authority now considered the proposal to be acceptable in terms of drainage. It had recommended four conditions which were considered to meet the six tests which will be imposed.

Following the Officer's presentation an Objector, Mr Paul Burgess, a representative from Althorne Parish Council, Councillor Terry Inkpen and the Agent, Stewart Rowe, addressed the Committee. At this point both Councillor Mrs P A Channer and MW Helm declared a non-pecuniary interest as trustees of a local Alms-house.

The Chairman then called on Councillor Morris to speak. In response to a point of order it was clarified that Councillor Morris had approached the Chairman in advance of the meeting requesting to speak and she had used her discretion as Chairman to allow him to speak as an 'in attendance' member (Rule 19). Given Councillor Morris's opening remarks Councillor Channer said she wished it recorded in the minutes that she found his comments totally offensive and unacceptable.

The Chairman then invoked the Chairman protocol for managing member behaviour in meetings and the business of the meeting resumed with a debate on the proposal.

Councillor Boyce commenced by saying that the application had no merit and was not suitable for affordable housing due to the unsustainable location, the lack of public transport and the historic sewer surcharge issues. Councillor Bassenger concurred with this and raised further concerns regarding the adverse impact on the character of the area, poor design, the unsustainable location, lack of economic benefit and the low impact a small development of this nature would have on the Five Year Housing Land Supply (5YHLS). He proposed that the application be refused.

The Lead Specialist Place then addressed the reasons for refusal and advised the Committee which reasons were tenable, reminding Members that the decision was within their gift. Councillor Bassenger revised his reasons for refusal to:- the adverse impact on the character of the area; poor design and the unsustainable location. This was seconded by Councillor Stamp.

Further debate took place around the need to provide affordable housing for young people in the area, the adverse impact of the development, no amenities, no public transport links and the potential to set a dangerous precedent if allowed.

There being no further debate the Chairman put the proposal to refuse the application to the Committee. In accordance with Procedure Rule No.13 (3) Councillor Channer requested a recorded vote, duly seconded by Councillor Bassenger. The results were as follows:-

For the proposal to Refuse

Councillors M G Bassenger, B S Beale, V J Bell, R G Boyce, Mrs P A Channer and W Stamp.

Against the proposal to Refuse

Councillor A S Fluker and A L Hull.

Abstentions

Councillors R P F Dewick and M W Helm.

RESOLVED that the application be **REFUSED** for the reasons as outlined above and below:

1. The proposed development is considered to have a harmful impact on the character and appearance of the area. This is exacerbated by the design of the development. The proposal is therefore, contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The site would be disconnected from services and facilities and by reason of its location, it would provide poor quality and limited access to public transportation, resulting in an increased need of private vehicle ownership. The development would therefore be unsustainable and contrary to policies S1, S8, T1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, securing a necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy, affordable housing, a footpath to the front of the site and an Impact Assessment and Conservation Payment Certificate document in relation to the District Level Licensing Scheme for Great Crested Newts, the development would not mitigate the harm arising from the development, contrary to Policies S1, and I1 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

Councillor R P F Dewick left the Chamber at this point.

332. 21/00682/FUL - MUNDON HALL, VICARAGE LANE, MUNDON, ESSEX, CM9 6PA

Application Number	21/00682/FUL
Location	Mundon Hall, Vicarage Lane, Mundon, Essex, CM9 6PA
Proposal	Erection a covered cattle yard for the purposes of animal welfare
Applicant	J Milligan – M & B Livestock
Agent	Melanie Bingham-Wallis – Foxes Rural Consultants
Target Decision Date	15.10.2021
Case Officer	Annie Keen
Parish	MUNDON
Reason for Referral to the Committee / Council	Member Call In by Councillor B Boyce, MBE – Highways and Lighting – Policy E4

A Members' Update had been circulated prior to the meeting that detailed further consultation and representation responses together with a revised condition 7 and an Informative dealing with Public Right of Way.

Following the Officer's presentation, the Chairman opened the debate. Councillor Boyce, having called in the application, said that he was content all issues had been resolved. Councillor Fluker proposed that the application be approved in accordance with the Officer's recommendation. This was seconded by Councillor Helm.

The Chairman put the proposal to approve the application to the Committee and it was agreed by assent.

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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, Block Plan, Existing Site Plan, Floor Plans & Elevation, Proposed Site Plan
 - 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
 - 4 No floodlighting or other external forms of illumination of the site shall be undertaken without the express consent of the local planning authority.
 5. The details of the internal illumination of the building shall be as set out in the email dated 13 September 2021 from Melanie Bingham-Wallis and shall be retained as such thereafter.
 - 6 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
 - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
 - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
- You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.
- Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.
- 7 The public's rights and ease of passage over public footpath 14 (Mundon) shall be maintained free and unobstructed at all times.

The meeting closed at 9.12 pm.

V J BELL
CHAIRMAN

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 DECEMBER 2021**

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

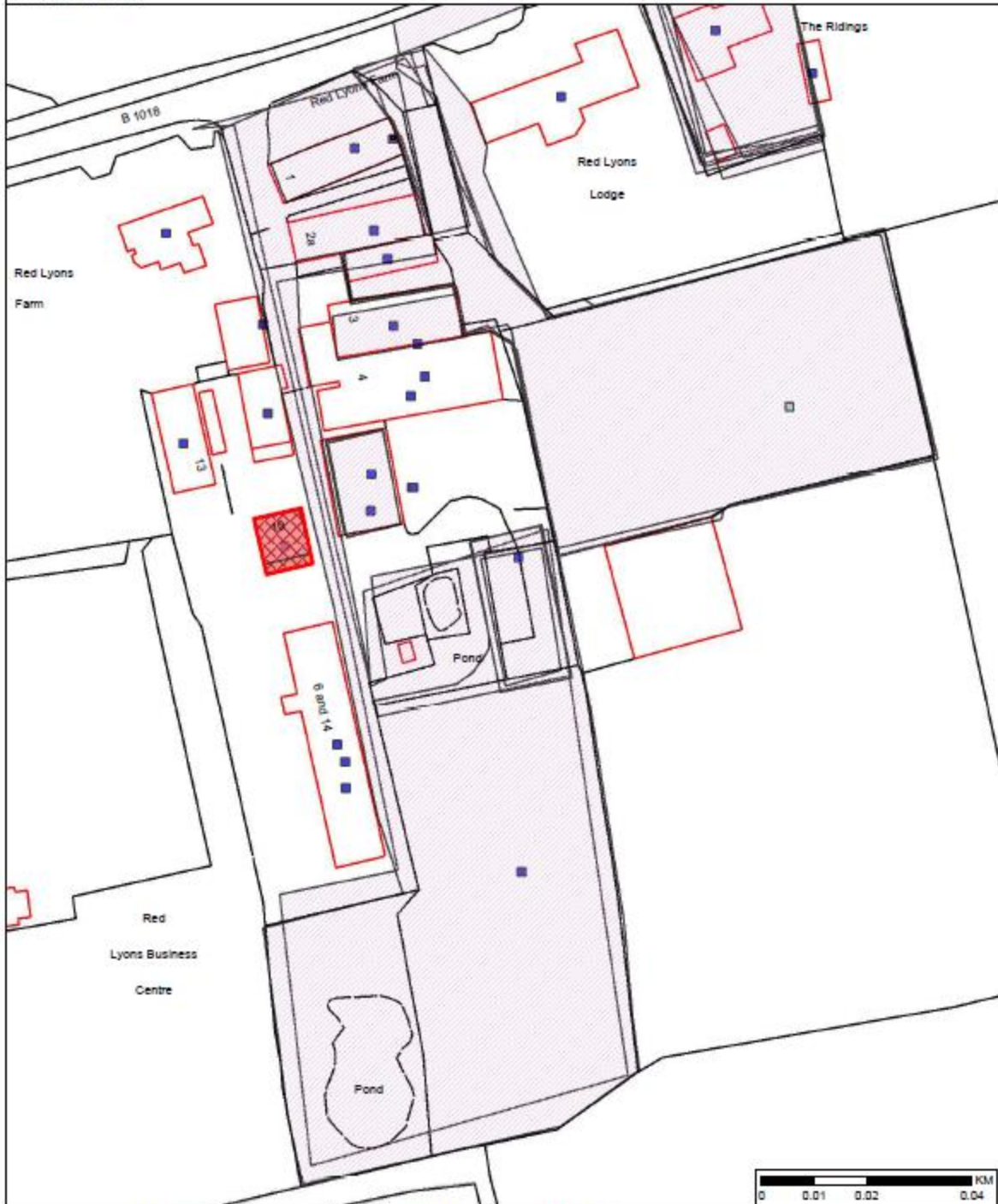
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

South Eastern Area Committee
21/00745/VAR



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 26/11/2021

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the south side of Burnham Road, Latchingdon, outside the settlement boundary of Latchingdon. Red Lyons Farm comprises a mixed-use business park which is an undesignated employment site. Application 14/00418/FUL relates to unit 10, which is located centrally and to the west of the business park. This is a pitched roofed, two storey rectangular building, of a typical utilitarian character, finished painted brickwork and coated steel cladding. This building benefits from permission for it to be used for purposes falling within previous use class B1 (b) and (c), current E(g) use class (ii) and (iii) (research and development/light industry).
- 3.1.2 The existing business centre is occupied by a number of buildings of commercial/industrial nature, predominantly of single storey height, with associated large areas of hard standing, typical to the use of the site. Most of the units are of a small footprint and vary in terms of external appearance and finishing materials.
- 3.1.3 There are residential properties adjacent to the industrial estate, along Burnham Road. To the west is a substantial detached property known as Red Lyons Farm, whilst to the east is a further residential dwelling known as Red Lyons Lodge. The area beyond the subject site and adjoining houses is predominantly farmland, with the settlement of Latchingdon being located to the north-west of the subject site.

Description of Proposal

- 3.1.4 Planning permission is sought for the variation of condition 2 on approved application 14/00418/FUL (Change of use of unit 10 from a restricted B8 use (Household Storage) to B1) to alter the permitted working to 6:00 until 20:00 Monday to Saturday.
- 3.1.5 Planning permission was granted on 8 October 2014 for a retrospective planning application to change the use of unit 10 from B8 to B1 (current E(g) use class). Condition 2 imposed to this permission requires the following:

The use hereby permitted shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 09:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: In order to ensure the appropriate use of the site in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

- 3.1.6 The current application seeks to vary this condition to extend the permitted working hours to 6:00 until 20:00 Monday to Saturday. Similar applications have also been submitted for the other units within the business park (see relevant planning history below). It has been advised that the purpose of this alteration in the working hours is to allow users access the site, undertake office work and allow collection and deliveries beyond the currently permitted working hours. It is stated that *'the tenant of unit 10 would like to expand the operational hours to ensure the business works more efficiently and effectively. The extended hours would allow the business to operate on Saturdays and increase its revenue'*.

- 3.1.7 The agent notes that planning permission was granted for a currently unbuilt extension to the business park where operating hours would be limited to 7:30 and 18:00 Monday and Friday (planning reference 18/01387/OUT, overturned at South Eastern Area Planning Committee in April 2019) and that users of the extended area would need to drive through the existing business park from Burnham Road. That outline planning permission was for the 'Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access' and was granted in April 2019.
- 3.1.8 In support of the proposal, the applicant's agent also points out that permitted development rights for new buildings within an industrial site allow businesses to operate between 6:30- 19:00 (Schedule 2, Part 7, Class H of the General Permitted development order 2015 as amended). Class H relates to the '*erection, extension or alteration of an industrial building or a warehouse*'. One of the conditions of the development permitted by this Class is that no building as erected, extended or altered is used to provide employee facilities between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment. "Employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees.
- 3.1.9 In addition, the applicant's agent also states that the change will allow many of the small businesses to trade internationally with the ability to have office videocalls, etc. at different times and that several of the businesses are unable to fully undertake their administration or catch up with work on a weekend which this change will allow.
- 3.1.10 A letter of support from the current tenant of the application site has been provided. This building is occupied by a tyre centre. It is stated that the extended working hours would assist the business financially and would support local employment.
- 3.1.11 The application is accompanied by an '*Assessment of potential noise impact from proposed additional operating hours*' (July 2021).

3.2 Conclusion

- 3.2.1 Having taken all material planning considerations into account, it is not considered that the proposed extension to the operating hours would cause harm to the amenity of any existing residents. This has been supported by the Council's Environmental Health Team. No concerns in relation to highway safety, access and parking are raised. As a result, it is recommended that the operating hours are amended as proposed.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 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
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities

- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- E1 Employment
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (VPS)

5. MAIN CONSIDERATIONS

5.1 The main issue which requires consideration as part of the assessment of the proposal is the impact of the proposed extended operating hours on the amenity of the nearby residents. The matter of highway safety/access/parking is also considered below. There were other material planning considerations which were relevant to the assessment of the original proposal but, due to the nature of the current application, they do not require re-assessment.

5.2 Impact on Residential Amenity

- 5.2.1** The basis of policy D1 of the approved Local Development Plan (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 also supported by section C07 of the MDDG (2017).
- 5.2.2** Policy D2 requires that all development must minimise its impact on the environment including minimising all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.2.3** There are existing residential dwellings to the northeast and northwest of the site, known as Red Lyons Farm and Red Lyons Lodge.
- 5.2.4** The proposal would extend the operating hours of unit 10 for an additional two hours in the morning Monday to Friday and two additional hours in the evenings. An additional total of ten hours (three in the morning and seven in the afternoon/evening) are proposed on Saturdays.
- 5.2.5** It is worth noting that the use of the land is also subject to the following restrictive condition:

CONDITION 1: The premises shall only be used for industrial purposes which are defined within Classes B1 (b) and (c) of the Schedule to the Town & Country

Planning Use Classes (Amendment) Order 2005 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.

Reason: In order to ensure the appropriate use of the building in accordance with the details submitted and ensure the protection of neighbouring amenity in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 3: All machinery and equipment used in association with the development hereby approved shall only be used or operated within the building.

Reason: In the interest of maintaining the character and appearance and amenities of the area

CONDITION 4: Goods, materials, plant, machinery, skips, containers, packaging or other similar items shall only be stored or kept within the building at all times.

Reason: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 5: No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed and fitted to any external part of the building or operated unless and until a scheme has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and utilised in accordance with the approved details and retained as such thereafter.

Reason: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

CONDITION 6: No means of external illumination of the site shall be installed unless details are first submitted to and approved in writing by the local planning authority. Details shall include the luminance and spread of light and the design and specification of the light fittings. The external illumination shall be fitted at the site in accordance with the approved details and retained as such thereafter. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure appropriate lighting is provided at the site and in order to prevent any undue disturbance being caused to nearby residential occupiers or to the amenity of the locality in accordance with policy BE1 of the adopted Maldon District Local Plan and policy D1 of the Maldon District Submission Local Development Plan.

5.2.6 Condition 1 restricts the use of building to industrial purposes falling within Classes B1 (b) and (c), current use classes E(g)(ii) and E(g)(iii). This is to protect residential amenity. This condition is still considered relevant and necessary to be imposed. Conditions 3 and 4, which restrict the position of equipment, machinery and materials solely within the building are also considered necessary to secure residential amenity and therefore, are imposed to this permission. Conditions 5 and 6 restrict the installation of extraction equipment and external illumination. Whilst an extraction system would be unlikely to be necessary to be installed on the unit, due to the nature of the use, it is considered reasonable these conditions be imposed to this permission to minimise potential additional impact on residential amenity caused by noise and vibration.

5.2.7 The Environmental Health Specialist was consulted and raised no objections to the proposal, taking into account the Noise Assessment by Sharps Acoustics, dated 21.07.2021, submitted with the application. It has been advised that the proposed changes to the operating hours will not result in a significant intensification of use,

more vehicle movements/ deliveries or increased number of units in the same way as the proposal the subject of application reference 18/01387/OUT. It has been stated that the acoustic measurements essentially demonstrate that noise from the operation of the business park does not have an impact on the measured noise level at the closest noise sensitive receptor, as the noise environment is dominated by road traffic on Burnham Road. It does however show that the arrival of vehicles at, and the opening of the gate (between 6.00am and 6.15am) is likely to have an adverse impact. Therefore, mitigation has been recommended in the form of an electric gate which, provided it is suitably specified, should reduce the overall noise level from vehicles arriving at the site to an acceptable level. This will be secured by the imposition of an appropriately worded condition. The Specialist has also confirmed that there has been no complaints of noise from operational activities on the site since 2013 and that the one complaint relating to recreational quad bike use received in February 2021 was dealt with informally through the new owners of the site.

5.2.8 It is noted that planning applications have also been submitted to similarly vary the operating hours of other units within the business park, which have already been determined and approved (refer to relevant planning history above). These are applications references 21/00746/VAR, 21/00747/VAR, 21/00748/VAR and 21/00799/VAR which relate to units 1, 2, 6 and 15 and these decisions are a material consideration in the determination of this application. Furthermore, it should be noted that the Environmental Health Specialist has not raised an objection to the extended operating hours proposed as part of application references 21/00745/VAR, 21/00746/VAR, 21/00747/VAR, 21/00748/VAR and 21/00799/VAR and has clearly taken into account the potentially cumulative impact of the extended operating hours for all units relevant to these applications.

5.2.9 As noted above, this permission relates to unit 10 and for the reasons explained above and subject to conditions, it is not considered that allowing the extended operating hours would result in an unacceptable impact on the residential amenity of the nearby residents.

5.3 Access, Parking and Highway Safety

5.3.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.

5.3.2 The proposal would not alter the vehicular access to the site or the off-street parking provision and would not increase the number of vehicles accessing the site. Therefore, no objection is raised in relation to highway safety, access and parking.

6. ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out below:

- **21/00799/VAR** - Variation of condition 4 on approved planning permission 02/01212/FUL (Continued use of land and buildings for business uses) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday.
[Relates to Unit 2 only] – Approved

- **21/00747/VAR** - Variation of condition 1 on approved application 14/00417/FUL (Retrospective permission for the change of use of agricultural land to scaffolding storage area, and associated buildings) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday. [Unit 15] – Approved
- **21/00746/VAR** - Variation of condition 4 (operating hours) of approved application 07/00481/FUL (Change of use of unit 1 from B8 to B1(c)) [Unit 1] – Approved
- **21/00748/VAR** - Variation of condition 4 on approved application 06/01238/FUL (Proposed Workshops) to alter working hours to 06.00 hours - 20.00 hours Monday to Saturday [Unit 6] – Approved
- **18/01387/OUT** - Erection of buildings to be used as mixed B1 (business) and B8 (storage or distribution) use, demolition of existing units 1 and 2 and relocation of existing access. – Approved
- **14/00418/FUL** - Change of use of unit 10 from a restricted B8 use (Household Storage) to B1 – Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Latchingdon Parish Council	No comment received at the time of writing the report	N/A

7.2 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health Team	No objections. The Environmental Health Specialist is satisfied that there should be no adverse impacts from noise caused by the proposed changes in opening hours provided that the mitigation recommended is carried out.	Noted and addressed in section 5.2 of the report.

7.3 **Representations received from Interested Parties**

7.3.1 **Representations received objecting to the application:**

3 letters of objection have been received.

Objection comment	Officer response
Increased traffic and noise.	Noted – refer to sections 5.2 and 5.3 below
Unacceptable noise and	Noted – refer to section 5.2 below

disturbance.	
No neighbour notification.	It should be noted that the Council has fulfilled its statutory publicity duties by posting a site notice adjacent to the site allowing 21 days for interested parties to raise their comments.
Materials are sorted outside the unit.	This is secured by condition. Should materials are stored outside the building against the conditions imposed, this matter should be raised with the Council's Enforcement Team.
Unacceptable noise levels generated from the existing use and from other activities.	<p>The building benefits from permission for a use class that is considered acceptable within residential areas. If the unit is operating outside the restrictive use class that is permitted on site, this should be raised with the Council's Enforcement Team. Any other concerns in relation to statutory nuisance generated from the use of the site should be raised with the Council's Environmental Health Team.</p> <p>Other activities, such as driving of bikes is not relevant to the purposes of the current application.</p>
The unit is used as for vehicle repairs.	Should the use of the unit fall outside the permitted use classes (E(g)(ii) Research and development of products or processes or E(g)(iii) Industrial processes) then this is a matter to be raised within the Council's Enforcement Team.
Concerns are raised regarding the chance of use of the building.	It should be noted that this permission does not seek to vary the use of unit 10 but only the operating hours.
The tenants already breach the permitted working hours.	Noted – any breach of condition is a matter to be investigated and assessed by the Council's Enforcement Team and not the purpose of the current application.
The noise report does not relate to the use of the unit but the vehicle movements in relation to this unit.	It should be noted that the noise survey carried out on site was between 10.45 hours on 1 st July and 10.15 hours on 7 th July. Measurements were taken continuously over day and night periods using a microphone fitted within the site. This recorded noise levels generated within the site, including those from the existing businesses and vehicle movement.

8. **PROPOSED CONDITIONS**

- 1 Unit 10 shall only be used for purposes falling within use Classes E(g)(ii) and E(g)(iii) of Schedule 2 of the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting these Orders) and for no other purpose.

- REASON: In order to ensure the appropriate use of the building in accordance with the details submitted and ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 2 The use hereby permitted shall only be undertaken between 06.00 hours and 20.00 hours Monday to Saturday and not at all on Sundays, Bank or Public Holidays.
- REASON: In order to ensure the appropriate use of the site in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 3 All machinery and equipment used in association with the development hereby approved shall only be used or operated within the building.
- REASON: In order to ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 4 Goods, materials, plant, machinery, skips, containers, packaging or other similar items shall only be stored or kept within the building at all times.
- REASON: In order to ensure the appropriate use of the site and protection of the amenity of the area in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 5 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed and fitted to any external part of the building or operated unless and until a scheme has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and utilised in accordance with the approved details and retained as such thereafter.
- REASON: In order to ensure the protection of neighbouring amenity in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 6 No means of external illumination of the site shall be installed unless details are first submitted to and approved in writing by the local planning authority. Details shall include the luminance and spread of light and the design and specification of the light fittings. The external illumination shall be fitted at the site in accordance with the approved details and retained as such thereafter. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the local planning authority.
- REASON: In order to ensure appropriate lighting is provided at the site and in order to prevent any undue disturbance being caused to nearby residential occupiers or to the amenity of the locality in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.
- 7 Prior to the operation of the site during hours hereby approved, details of an automatic gate to be installed at the entrance of the business park that is activated remotely shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
- REASON: To protect the amenity of the neighbouring properties and in order to ensure the appropriate use of the site in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan.