

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

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE
Paul Dodson

28 February 2023

Dear Councillor

You are summoned to attend the meeting of the;

NORTH WESTERN AREA PLANNING COMMITTEE

on **WEDNESDAY 8 MARCH 2023** at **7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance
COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor Mrs M E Thompson
VICE-CHAIRMAN	Councillor J V Keyes
COUNCILLORS	M F L Durham, CC Mrs J L Fleming, CC S J N Morgan C P Morley R H Siddall E L Stephens S White





**AGENDA
NORTH WESTERN AREA PLANNING COMMITTEE**

WEDNESDAY 8 MARCH 2023

1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on 08 February 2023, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B 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. **22/00833/FUL - Former Atherstone Lodge, Fambridge Road, Purleigh, CM9 6NL**
(Pages 21 - 34)

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**

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.

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.

This page is intentionally left blank



**MINUTES of
NORTH WESTERN AREA PLANNING COMMITTEE
8 FEBRUARY 2023**

PRESENT

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, S J N Morgan, C P Morley, R H Siddall and S White

1. CHAIRMAN'S NOTICES

The chairman welcomed everyone present and went over some general housekeeping arrangements for the meeting.

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor E L Stephens.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 January 2023 be approved and confirmed.

4. DISCLOSURE OF INTEREST

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council. He further declared that he had a disclosable pecuniary interest in respect of Agenda Item 5: 21/01276/FUL - Land Opposite St Margaret's Church, Maldon Road, Woodham Mortimer, Essex CM9 6SN as he was a funeral celebrant and would leave the Chamber for that item of business.

Councillor Durham left the Chamber at 7:33pm.

5. **21/01276/FUL - LAND OPPOSITE ST MARGARET'S CHURCH, MALDON ROAD, WOODHAM MORTIMER, ESSEX CM9 6SN**

Application Number	21/01276/FUL
Location	Land Opposite St Margaret's Church Maldon Road Woodham Mortimer Essex CM9 6SN
Proposal	Erection of a crematorium with ceremony hall, memorial arboretum and associated use of land, restoration of Coopers Monument, vehicular access, parking, landscaping, pedestrian crossing and diversion of footpath (PROW 269_17)
Applicant	Mr R. Evans - Maldon Fields Ltd
Agent	Mr Julian Sharpe - White & Sons
Target Decision Date	09.12.2022
Case Officer	Hannah Dungate
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation, the Applicant Mr Richard Evans, addressed the Committee. The Chairman then opened the discussion.

A brief debate ensued regarding the access to the site and pedestrian safety. Officers reassured Members that the Highways Authority deemed the access to be acceptable, that there would be a pedestrian refuge when crossing the road with safety bollards in place to protect users.

There being no further discussion Councillor S White proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded. The Chairman then put the proposal to the Committee and it was agreed.

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
20076-LHC-00-00-DR-AR-OS Rev J; 20076-LHC-00-00-DR-L-001 Rev R;
20076- LHC-00-00-DR-AR-0201 Rev B; 20076-LHC-00-00-DR-AR-0401 Rev B;
20076-LHC00-XX-DR-L-9303 Rev P8; 20076-LHC-00-00-DR-L-9403 Rev P7;
20076-LHC-00- XX-DR-L-9301 Rev P8; 20076-LHC-00-00-DR-AR-0301 Rev B;
20076-LHC-00-XXDR-L-9401 Rev P7; 1911011-01D; 1911011-02; 1911011-03;
1911011-01C; 1911011-TK03; 1911011-TK04.
- 3 No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- 4 No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the 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.

- 5 The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
- 6 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 7 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority by the separate grant of planning permission. All illumination within the site shall be retained as such thereafter.
- 8 Conservation and repair of the grade II listed Coopers Monument, granted listed building consent under application ref. 21/01271/LBC, shall be implemented and completed within two years of the date of the planning permission being granted for application ref. 21/01276/FUL.
- 9 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
- 10 Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 155 metres to the west as measured to the centreline and by 133 metres to the east as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
- 11 The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- 12 Notwithstanding the details shown within planning drawings No.1911011-01 Rev D, prior to first occupation of the development, the construction of the new vehicular access to the site and associated highways works shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority which will provide for but not be limited to the following:
 - a) The access shall be no less than 6 metres wide and shall be provided with 8 metre junction radius kerbs with a single footway 2 metres wide footway on the western side of the access.
 - b) Provision of the ghosted right turn lane on to Maldon Road (A414) and access to the site as shown in principle within drawing No. 1911011-01 Rev D.
 - c) Provision of 2 x 3.25m wide running carriageway lanes and a 3.5m wide right hand turning lane.
 - d) Provision of one pedestrian island on Hospital Approach (1.8m refuge with maintaining 2 x 4m running lanes) and to provide uncontrolled crossing points for pedestrians and cyclists as shown.

- e) The existing bus stop, kerbing and associated infrastructure located on the south of the Maldon Road carriageway shall be relocated to the west as shown within drawing No. 1911011-01 Rev D.
- 13 Prior to occupation of the development, the developer will construct a 2m wide footway on the southern side of Maldon Road (A414) along the western site frontage between the site access and the relocated bus stop, as shown within planning drawing No. 1911011-01 Rev D.
- 14 No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
- 15 The public's rights and ease of passage over public footpath no. 17 (Woodham Mortimer) shall be maintained free and unobstructed at all times.
- 16 There shall be no discharge of surface water from the development onto the Highway.
- 17 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 18 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on planning application drawing number 20076-LHC00-00-DR-L-0101 has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 19 Prior to first occupation of the development, the cycle parking shall be provided in accordance with the MDC Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 20 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% cli-mate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- 21 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
- 22 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

- 23 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 24 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.
- 25 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.
- 26 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details and retained during the course of the development.
- 27 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before the commencement of works on site.
The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).

- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter in perpetuity
- 28 A Landscape and Ecological Management Plan (LEMP) based on the final soft landscaping plan and Figure 1 Farmland Bird Mitigation Plan (Lizard Ecology 20 January 2023) Drawing LLD1855-ECO-FIG-001 Rev 01, shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of habitats to be managed including grassland for skylark foraging
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried and retained/maintained as per the approved details.

- 29 A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority before the commencement of development. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Councillor Durham returned to the Chamber at 8:02pm.

6. **22/00482/OUT - GOLF DRIVING RANGE, BURNHAM ROAD, WOODHAM MORTIMER**

Application Number	22/00482/OUT
Location	Golf Driving Range, Burnham Road, Woodham Mortimer
Proposal	Outline application with all matters reserved for up to 18 dwellings with a provision for affordable housing.
Applicant	Mr Ian Moss
Agent	Mr OToole – Elegant Architectural Ltd
Target Decision Date	12.10.2022
Case Officer	Devan Hearnah
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Member Call in by Councillor M F L Durham Policies H5 (para 5.37) and H4

Following the Officer's presentation and prior to public participation, the Chairman asked whether the decision notice could not be released until the section 106 was signed and sought confirmation that the Local Planning Authority had not delayed matters. Officers concurred that both these points were correct. At this point the Agent, Mr Tony O'Toole, addressed the Committee. The Chairman then advised the Committee that only those Members present when this item was previously discussed could take part in the vote, therefore, this excluded Councillors Mrs J L Fleming and R H Siddall.

A brief debate ensued where Members acknowledged the reasons why the application had been resubmitted. However, it was felt that it had been debated at length during the previous North Western Area Planning Committee on 5 October 2022, that the original decision to approve contrary to the Officer's recommendation for reasons as detailed in that meeting was a well balanced decision that remained valid and that every application was considered on its own merits. The Specialist: Development Management advised that the report was an update to provide Members with pertinent new material that had come to light so that Members could be reassured that the correct decision was made.

Councillor M F L Durham then proposed that the application be approved in accordance with the original decision of this Committee on 5 October 2022 and this was duly seconded. The Chairman then put the proposal to approve the application to the Committee and it was agreed.

RESOLVED that the application be **APPROVED** subject to the conditions as set out in the updated report:

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
20076-LHC-00-00-DR-AR-OS Rev J; 20076-LHC-00-00-DR-L-001 Rev R;
20076-LHC-00-00-DR-AR-0201 Rev B; 20076-LHC-00-00-DR-AR-0401 Rev B;
20076-LHC-00-XX-DR-L-9303 Rev P8; 20076-LHC-00-00-DR-L-9403 Rev P7;
20076-LHC-00-XX-DR-L-9301 Rev P8; 20076-LHC-00-00-DR-AR-0301 Rev B;
20076-LHC-00-XX-DR-L-9401 Rev P7; 1911011-01D; 1911011-02; 1911011-03; 1911011-01C; 1911011-TK03; 1911011-TK04.
3. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

4. No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved in writing by the local planning authority.
The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the 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.
5. The existing hedgerows and trees along the northern and eastern boundaries of the application site shall be protected during the construction of the development.
6. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
7. No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority by the separate grant of planning permission. All illumination within the site shall be retained as such thereafter.
8. Conservation and repair of the grade II listed Coopers Monument, granted listed building consent under application ref. 21/01271/LBC, shall be implemented and completed within two years of the date of the planning permission being granted for application ref. 21/01276/FUL.
9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
10. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 155 metres to the west as measured to the centreline and by 133 metres to the east as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
11. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
12. Notwithstanding the details shown within planning drawings No.1911011-01 Rev D, prior to first occupation of the development, the construction of the new vehicular access to the site and associated highways works shall be regulated by an appropriate legal agreement between the applicant and the Highway Authority which will provide for but not be limited to the following:
 - a) The access shall be no less than 6 metres wide and shall be provided with 8 metre junction radius kerbs with a single footway 2 metres wide footway on the western side of the access.

- b) Provision of the ghosted right turn lane on to Maldon Road (A414) and access to the site as shown in principle within drawing No. 1911011-01 Rev D.
 - c) Provision of 2 x 3.25m wide running carriageway lanes and a 3.5m wide right hand turning lane.
 - d) Provision of one pedestrian island on Hospital Approach (1.8m refuge with maintaining 2 x 4m running lanes) and to provide uncontrolled crossing points for pedestrians and cyclists as shown.
 - e) The existing bus stop, kerbing and associated infrastructure located on the south of the Maldon Road carriageway shall be relocated to the west as shown within drawing No. 1911011-01 Rev D.
13. Prior to occupation of the development, the developer will construct a 2m wide footway on the southern side of Maldon Road (A414) along the western site frontage between the site access and the relocated bus stop, as shown within planning drawing No. 1911011-01 Rev D.
 14. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.
 15. The public's rights and ease of passage over public footpath no. 17 (Woodham Mortimer) shall be maintained free and unobstructed at all times.
 16. There shall be no discharge of surface water from the development onto the Highway.
 17. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 18. The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on planning application drawing number 20076-LHC-00-00-DR-L-0101 has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
 19. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the MDC Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
 20. No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% cli-mate change event.
 - Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

21. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
22. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided

23. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
24. 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.
25. 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.
26. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Lizard, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details and retained during the course of the development.

27. A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before the commencement of works on site.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

28 The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter in perpetuity. A Landscape and Ecological Management Plan (LEMP) based on the final soft landscaping plan and Figure 1 Farmland Bird Mitigation Plan (Lizard Ecology 20 January 2023) Drawing LLD1855-ECO-FIG-001 Rev 01, shall be submitted to, and be approved in writing by, the local planning authority prior to beneficial use of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of habitats to be managed including grassland for skylark foraging
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

29. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development shall be carried and retained/maintained as per the approved details. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority before the commencement of development. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

7. 22/01012/FUL - HARMONY KENNELS, BROOK HOUSE, SPAR LANE, PURLEIGH

Application Number	22/01012/FUL
Location	Harmony Kennels, Brook house, Spar Lane, Purleigh
Proposal	Proposed single storey dwelling and cartlodge replacing existing outbuildings
Applicant	Mr John Lawrence and Ms Toni Moore
Agent	
Target Decision Date	18.11.2022
Case Officer	Vikki Bowles
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Plan 2017

Following the Officer's presentation, the Applicant, Mr Lawrence, addressed the Committee. The Chairman then opened the discussion.

A debate ensued around the merits of this application as opposed to the previous submission. Members felt that the applicant had changed the application in line with Planning Officers' recommendations and the reduction of scale and the new design enhanced the local context. Councillor S White proposed that the application be approved contrary to the Officer's recommendation due to its reduced size, change in design and given it concurred with policies S1, S8, D1 and H4. This was seconded by Councillor J V Keyes. It was further noted that this area was no longer predominantly rural and was a sustainable location.

There being no further discussion the Chairman put Councillor White's proposal to approve the application, contrary to the Officer's recommendation, with conditions delegated to Officers, to the Committee and this was agreed.

RESOLVED that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman.

8. TPO 08/22 - MILL HOUSE, MALDON ROAD, LANGFORD, CM9 4SS

Application Number	TPO 08/22
Location	Mill House, Maldon Road, Langford, CM9 4SS
Proposal	Confirmation of TPO 08/22
Owners	Richard Andrew Perry – Mill House Maldon Road Langford CM9 4SS
Confirmation by	24.04.2023
Case Officer	Jade Elles
Parish	LANGFORD
Reason for Referral to the Committee	Decision for confirmation of a Tree Preservation Order under the Council's Scheme of Delegation

A Members' Update had been circulated prior to the meeting that detailed findings from Sharon Hosegood Associates on behalf of the owner, objecting to the serving of the Tree Preservation Order (TPO). Following the Officer's presentation, the Chairman then opened the discussion.

A debate ensued and Members sought clarity if there had been any damage to the structure of the applicant's property to initiate the felling of the trees. Officers clarified that there was no reference included in the report from Sharon Hosegood Associates

regarding any damage to the applicant's property. Officers drew Members' attention to the reasons for felling as outlined in section 5.2 of the report and reaffirmed the reasoning for the TPO, clarifying that it should be confirmed to prevent the felling without securing appropriate replanting as trees contribute to the amenity value of the area.

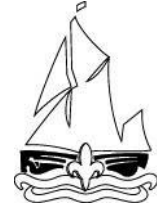
Councillor R H Siddall then proposed that the TPO be confirmed in accordance with the Officer's recommendation and this was duly seconded. The Chairman then put the proposal to the Committee, and it was agreed.

RESOLVED that the Tree Preservation Order be **CONFIRMED** without any modifications.

There being no further business to discuss the Chairman closed the meeting at 8.52 pm.

MRS M E THOMPSON
CHAIRMAN

This page is intentionally left blank



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
08 MARCH 2023**

Application Number	22/00833/FUL
Location	Former Atherstone Lodge, Fambridge Road, Purleigh, CM9 6NL
Proposal	New commercial building comprising a cold store, ancillary operation spaces access drives and a loading bay.
Applicant	Mr B. Rigby of Ben Rigby Game Ltd.
Agent	Mr R. Knight of Arcady Architects
Target Decision Date	04.10.2022 Extension of time until 02.12.2022
Case Officer	Jonathan Doe
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call in by Councillor S White with regard to Policy D1

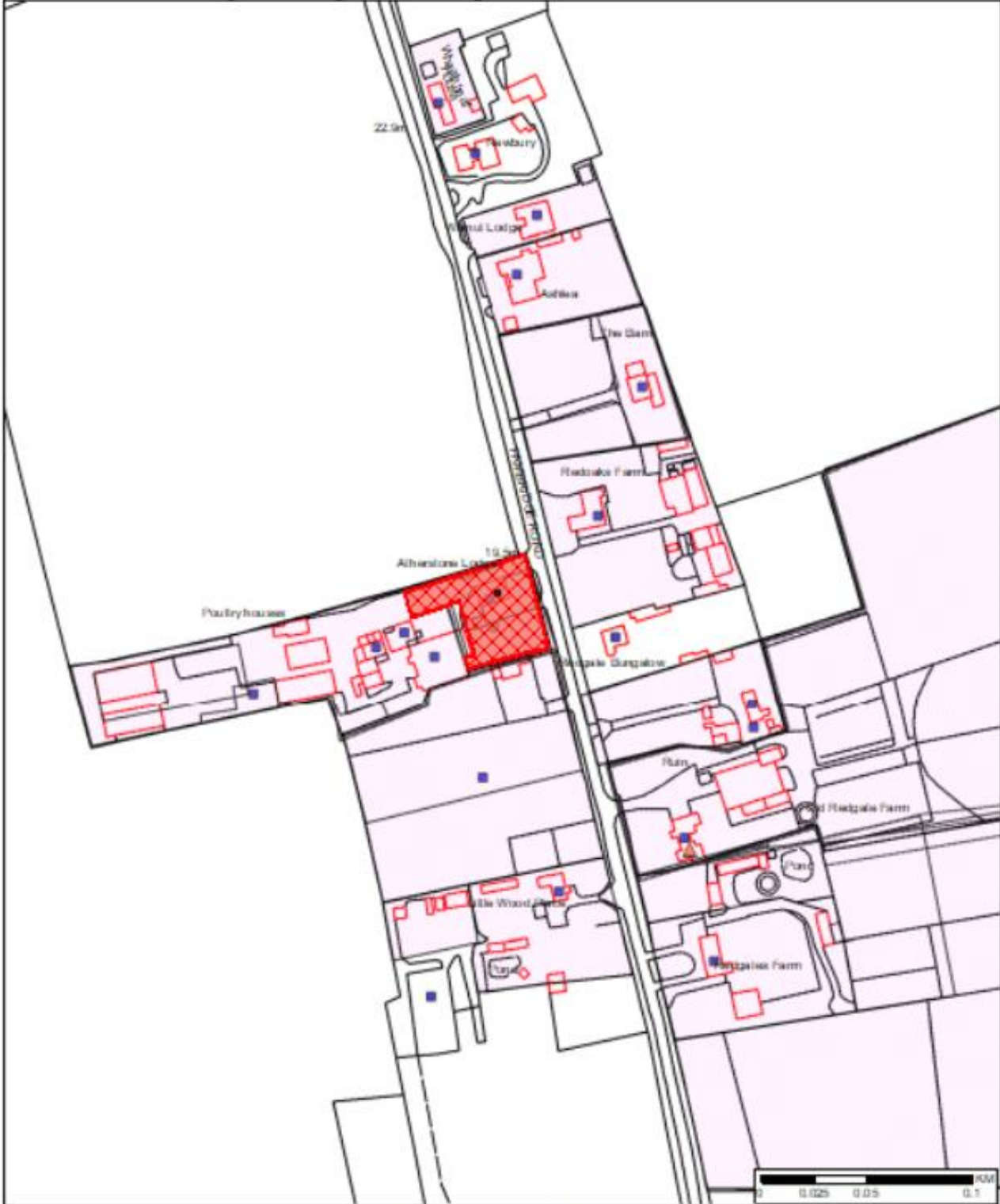
1. **RECOMMENDATION**

APPROVE subject to the conditions as detailed in Section 8.

2. **SITE MAP**

Please see below.

Application reference 22/00833/F UL
Former Atherstone Lodge, Fambridge Road, Purleigh



Copyright
 For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	
Date:	08/11/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Site description

- 3.1.1 The site is outside any settlement, on the western side of Fambridge Road, the B1010. The site is about half a mile north of the junction of Fambridge Road with Latchingdon Road and Cold Norton Road. There is open rural land to the north and south. The site is screened by mature hedging on the northern and southern boundaries in views from the open countryside that lies beyond. The site consists of vacant ground set between existing commercial buildings, to the west, and Fambridge Road, to the east. There is a ribbon of development, mainly low-density residential development, on the opposite side of Fambridge Road.
- 3.1.2 The site was previously occupied by a dwelling. Given this planning history, the site has a residential use, the principle of a dwelling at the site is established. The site has planning permission, 20/00204/FUL, for a replacement five-bedroom dwelling. The loss of a dwelling from potential housing supply is considered to be a de-merit of the proposal but the land would still be put to effective use by the current proposal, by an employment generating development rather than one dwelling. This de-merit is therefore considered to be of very limited weight in the assessment of the proposal as a whole.
- 3.1.3 The site has a width of some 48m and a depth to the main body of the site of some 37m. The proposal would use the existing vehicular access to the existing buildings.
- 3.1.4 The proposal is for a new commercial building comprising a cold store, ancillary operation spaces, access drives and a loading bay.
- 3.1.5 The main access to Ben Rigby Game Ltd runs along the northern boundary of the site to a number of former agricultural buildings which now serve the fresh meat business operating on site. The developed area to the rear of the application site includes a small farm, abattoir and packing facilities, arranged around areas of hardstanding for the turning and parking of commercial and customer vehicles.

Description of proposal

- 3.1.6 Most of the interior of the proposed building would consist of a cold store with the product stored on pallets. Two smaller areas would be a wrapping area and a loading area. A loading bay would be set outside the loading area of the building. A short corridor element to the proposed building would link it to an existing building to the west. The proposed building would have ancillary offices and a break room.
- 3.1.7 The proposal is for a B2, general industrial, use.
- 3.1.8 The applicant is Ben Rigby Game Ltd, a local fresh meat business that serves local butchers and restaurants as well as exporting further afield. The current facilities on site allow for the whole production process from slaughtering, processing and packaging to the sale and distribution. However, there are no facilities for storage and this application seeks to rectify that in order to make the business a self-sufficient and more sustainable operation in the current climate.
- 3.1.9 The business has 19 full-time employees. Hours of operation have been confirmed to Environmental Health as Monday to Saturday 07:30 to 18:00 hours, closed on Sundays. On this basis Environmental Health has recommend that these are

conditioned as part of any planning approval. Other comment from Environmental Health is discussed below.

3.2 Conclusion

- 3.2.1 The proposed cold store building would support the expansion of the existing business operating on the site. As such the proposal meets the economic objective of sustainable development, fulfils a social objective in that the employment to be secured would support well-being and makes effective use of land in a way in which an environmental objective is satisfied for this particular site.

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
- 47-49 Determining applications
- 55-58 Planning conditions and obligations
- 81-82 Building a strong, competitive economy
- 84-85 Supporting a prosperous rural economy
- 104-113 Promoting sustainable transport
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

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 the Built Environment
- E1 Employment
- E4 Agricultural and Rural Diversification
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG) (2017)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)) and through Government policy at paragraph 47 of the NPPF.
- 5.1.2 Policies S1, S2 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. It is clearly stated that outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.1.3 The proposal site is located outside of any defined settlement boundary. However, Policy S8 states that outside of the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for either of a number of criteria. One criterion, at (b), is that of employment generating proposals (in accordance with Policy E1).
- 5.1.4 The site adjoins a straight section of busy road. The general character of the setting of the site is of flat, open fields or low-density residential ribbon development. There are existing buildings at the plot of land of which the application site forms part which, although set further back from the road than that proposed, are of a utilitarian modern agricultural / commercial character. In the context of the site the impact of the proposal on the appearance and character of the rural setting is considered acceptable, as discussed in relation to the design.
- 5.1.5 Furthermore, the proposal accords with section 6 of the NPPF, Building a strong, competitive economy. Paragraph 81 of the NPPF states that planning decisions should help create the decisions in which businesses can invest, expand and adapt. The NPPF states clearly that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs.
- 5.1.6 Paragraph 84 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 5.1.7 Paragraph 85 of the NPPF refers to how planning decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements. Paragraph 85 also says that the use of previously developed land should be encouraged where suitable opportunities exist.
- 5.1.8 In conclusion with regard to the principle of development, whilst the proposal is outside a settlement boundary, the economic benefit, history of the site and negligible effect to the character of the countryside at this particular site are such that the principle of development is considered acceptable.

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 to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“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”.

5.2.3 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.*

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

5.2.5 The building would be some 33m wide at its widest part by some 25m deep. The building would be set back from the front boundary of the site by some 8m. Plans show a proposed tree and hedge screening along the site front boundary although two existing vehicular accesses would be retained. The building would be 8.3m to its twin roof ridges, 6.5m to the eaves.

5.2.6 External walls would be of a grey profiled metal cladding on a red multi brick plinth. The building would have a profiled metal roof though most of the roof surface would be taken up by Photovoltaic (PV) panels.

5.2.7 The building would be set at a position of a previously approved dwelling and its detached garage (planning permission 20/00204/FUL refers). It is considered that this planning permission has established the principle of built form on the site, albeit that the previous approval was for a one-and-a-half storey dwelling and a garage outbuilding with dormers to its roof.

5.2.8 The proposed building would have the scale and general appearance of an agricultural building. The site is well screened by a line of conifer type trees along the northern boundary. There is a hedge of hawthorn and similar vegetation along the southern elevation. The adjacent road has no public footway and is straight such that traffic along it is fast moving. Consequently, the site is viewed from the public realm effectively as a glimpse from fast moving traffic. Given the setting of the site, the proposal is considered acceptable in terms of appearance and effect on the character of the countryside.

5.3 Impact on Residential Amenity

5.3.1 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).

5.3.2 There are no residential dwellings immediately adjacent to or opposite the application site, the closest dwelling to the proposed development is Redoaks Farm located on the opposite side of the road. There is a separation distance of 45m from the position of the proposed building to the dwelling at Redoaks Farm, with Fambridge Road in between. It is considered that the proposed development would not result in overlooking, a loss of light or domination to the detriment of the neighbouring occupiers.

5.3.3 Environmental Health was consulted on the application and an initial response received in writing as follows:

"The proposal is for a new commercial building comprising a cold store, ancillary operation spaces, access drives and a loading bay. The application is accompanied by a noise impact assessment by Sharps Acoustics, dated 28 September 2022.

No hours of operation are included with the application. This needs clarification.

An unattended environmental noise survey has been carried out to determine existing noise levels in the vicinity of the application site. A summary of survey results is produced in table 3.4 of the report. Typical measured levels of 58 LA,eq and 45 LA90 during day time hours and 50 LA,eq and 42 LA90 have been noted. It will be useful to see a statistical analysis of the background noise levels during daytime and night time periods. The night time noise level is surprising high.

I understand from the report that the exact nature and location of any plant and its associated noise characteristics are yet to be determined. The diesel generator will be run for periodic testing and during rare power outages, it is proposed that routine testing be permitted only between 09:00 and 17:00 hours and should not last longer than 1 hour on each occasion that such testing is carried out. Power outages are of course entirely unpredictable.

The following condition has been suggested;

'The rating level of noise emitted by all fixed plant excluding the emergency generator shall not exceed 45dB at any noise sensitive premises between 07:00 and 23:00 and 42dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS4142:2014+A1:2019.'

There are occasions when the background noise levels falls to around 30dB and below and I am concerned that setting a condition as suggested may see a

difference of around 12dB during those times so it would be useful to have a statistical analysis of the background noise levels to ensure a representative level is agreed.

Depending on the hours of operation it may be appropriate to consider noise levels within the new building.

The diesel generator also requires assessment and will need attenuation.”

- 5.3.4 Further information was requested from the agent and an addendum to the noise impact assessment was subsequently submitted as part of the application documentation. The latest response from Environmental Health is as follows:

“Sharps Acoustics have provided an addendum note (dated 31 January 2023) to their environmental noise impact assessment for the proposed cold store extension.

Hours of operation have been confirmed as Monday to Saturday 07:30 to 18:00 hours, closed on Sundays. I would recommend that these are conditioned as part of any planning approval.

The back-up generator is to be used for power outages and therefore it is entirely appropriate that noise emitted from it is controlled by condition to prevent nuisance to those living nearby in the event that it's needed.

Therefore whilst I have no objections to the proposal I would recommend the following conditions; ...”

- 5.3.5 As referred to above, residential properties in the vicinity are on the opposite side of a busy road. The noise generating plant would be set to the rear of the proposed building such that the built form of the building would obstruct direct noise transmission. Subject to conditions addressing hours of use, noise emitted and other conditions in line with the comments of Environmental Health, the proposal is considered acceptable with regard to residential amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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 local highway authority has been consulted and a response received in writing stating that the proposed cold store building will support the expansion of the existing business operating on the site. The proposed development would likely result in an intensification of the existing access points, but each access could be provided with the required 2.4m x 120m visibility splays in accordance with Design Manual for Roads and Bridges standards. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highways Authority, subject to conditions.
- 5.4.3 The conditions would relate to submission of a construction management plan; upgrading the southern (the secondary) access; no gate within 17m of carriageway;

implementation of a HGV turning area; boundary planting to be 1m from carriageway; and, no unbound material within 6m of highway.

- 5.4.4 Subject to such conditions, the proposal is considered acceptable with regard to Policy T2.

5.5 Employment

- 5.5.1 Policy E1 states that the Council will encourage employment generating developments and investment in the District to support the long term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). The text of the policy continues by stating this will be achieved through the regeneration, modernisation and expansion of existing employment sites. This proposal for expansion of an employment use is broadly supported by Policy E1.

- 5.5.2 Policy E4 states that the Council will support the development of new buildings associated with agriculture and other land-based rural businesses where there is a justifiable and functional need for the building. Taking a broad definition of agriculture, that is to say the production of food, it is considered that Policy E4 broadly supports the proposal.

- 5.5.3 The Strategy Team was consulted on the application and a response received in writing as follows:

"The Strategy Theme Lead Prosperity responds that emerging evidence shows the District's economy has a leaning to 'grow your own', meaning that businesses need the ability to expand their operations on their existing or nearby site or land to retain their employment in the District.

Accordingly, growth of a business within its existing site through development or modernisation should be supported and expansion of the site, especially on brownfield land, should be viewed favourably.

This supports the Council's Corporate Plan and Strategic Outcomes to 'Support Existing Local Businesses and Enable Future Economic Investment and New Jobs'.

This is aligned with the National Planning Policy Framework (NPPF) to 'Build a strong, competitive economy'. The NPPF states: 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt'.

Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for investment and development.

The proposal is therefore aligned with national and local policy in terms of economic prosperity and supporting the local economy.

The Strategy Team support this application and further investment in this growing local business. Furthermore, we hope this development will enable the business to improve its roadside presentation with sensitive signage and the proposed tree and hedge screening will protect and improve the rural and agricultural character of the area."

- 5.5.4 In the light of the above response, it can be seen that the Strategy Team support the proposal.

6. ANY RELEVANT HISTORY TO SITE AND IMMEDIATE SETTING

- **92/00740/FULF** - Change of use from cold store to wholesale meat cutting and packing plant – Approved 09.02.1993.
- **94/00522/FUL** - Infilling of existing openings to form sealed loading bay and dock - Approved 06.09.1994.
- **13/00419/FUL** - Demolition of existing bungalow, erection of new retail shop with office and general stores, four two-bedroom flats above including private parking for flats, public parking for shop and new widened access from main road – Approved 02.07.2013.
- **18/00612/FUL** - Section 73A application for the demolition of a wooden agricultural building and replacement with steel framed building for storage purposes – Approved 16.08.2018.
- **20/00204/FUL** - Demolition of existing chalet dwelling and garage and the erection of a new replacement dwelling and car port – Approved 04.05.2020.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	The Parish Council RECOMMENDS REFUSAL, on the grounds that the application contains insufficient detail for the Parish Council to make an informed recommendation.	The officers' opinion is that the application has sufficient detail to be determined.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	From a highway and transportation perspective the impact of the proposal is acceptable to the Highways Authority, subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to imposition of conditions.	Section of report regarding residential amenity addresses
Strategy Team	The Strategy Team support this application and further investment in	Section of report regarding employment addresses

Name of Internal Consultee	Comment	Officer Response
	this growing local business.	

7.4 Representations received from Interested Parties

7.4.1 No representations have been received for the application.

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 complete accordance with approved drawings: 19/15/40 Cold store location plan; 19/15/41 Cold store existing site plan; 19/15/42 Cold store proposed site & roof plan; 19/15/43 Cold store proposed floor plans; 19/15/44 Cold store proposed elevations & section; 19/15/45 Cold store proposed street scene; Planning statement; Environmental noise impact assessment by Sharps Acoustics LLP dated 28th September 2022 with Addendum note dated 31st January 2023.
REASON To ensure the development is carried out in accordance with the details as approved.
- 3 The use hereby permitted shall only be undertaken between 07:30 hours and 18:00 hours on weekdays and between 07:30 hours and 18:00 hours on Saturdays and not at any time on Sundays and Public Holidays. This shall include deliveries to and collections from the site.
REASON To avoid noise pollution in accordance with Policy D1 4), Policy D2 6) and Policy E7 of the Local Plan.
- 4 The rating level of noise emitted by all fixed plant excluding the emergency generator shall not exceed 45dB at any noise sensitive premises between 07:00 and 23:00 and 42dB between 23:00 and 07:00 hours. The measurement and assessment shall be made according to BS 4142:2014+A1:2019.
REASON To avoid noise pollution in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.
- 5 Routine testing of the emergency diesel generator shown on approved plan 19/15/43 shall only be undertaken between 09:00 and 17:00 hours and for no longer than one hour on each occasion that such testing is carried out.
REASON To avoid noise pollution in accordance with Policy D1 4) and Policy D2 6) of the Local Plan.
- 6 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities.REASON In the interest of highway safety, to avoid parking which may obstruct the highway during the construction period and ensure loose materials and spoil are not brought out onto the highway in accordance with policy DM1 of the County Highway Authority's Development Management

- Policies, adopted as County Council Supplementary Guidance in February 2011.
- 7 Prior to occupation of the development, the southern vehicular access shall be upgraded and reconstructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout Drawing No.19/15/42.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 8 Any gate provided at the vehicular access shall be inward opening only and shall be set back a minimum of 17 metres from the back edge of the carriageway.
REASON To enable HGV's 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 in accordance with policy DM1 of the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 9 Prior to first use of the development, the Heavy Goods Vehicle turning area as shown within planning drawing No.19/15/42 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose and retained as such.
REASON To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1 of the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 10 The proposed boundary planting shall be maintained a minimum of 1 metre back from the highway boundary and any visibility splay.
REASON To ensure that the future outward growth of the planting does not encroach on the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1 of the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- 12 No pallets, meat, other goods, materials, plant (other than as shown on the approved plans), machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON: In the interest of visual amenity to this rural site in accordance with Policy S1 9) and 12) and Policy D1 1) of the Local Plan.
- 13 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended, no further display of advertising material shall be displayed within the site without express advertisement consent.
REASON: In the interest of visual amenity to this rural site in accordance with Policy S1 9) and 12) and Policy D1 1) of the Local Plan.
- 14 Before any above ground works associated with the development hereby permitted occur, a scheme for generating 25% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the NPPF or any subsequent revision) shall be

submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.
REASON: In the interest of sustainable development in accordance with Policy S1 7), Policy D5 1) g) of the Local Plan and the provisions of the National Planning Policy Framework.

15 Within the first available planting season (October to March inclusive) following the commencement of the development a hedgerow, as indicated on approved plan 19/15/42, shall be planted and maintained, a minimum of 1m from the carriageway of the adjacent highway, along the front, the eastern, site boundary. The hedgerow shall be of the following specification:-

- Hawthorn (*Crataegus monogyna*) plants planted as a double staggered row, with rows about 300mm apart and plants spaced at 450mm centres along each row. The plants shall be planted into ground previously cleared of all weed growth and mulched with a fabric / polythene sheet mulch and / or organic mulch. Shrub guards should be used to protect the plants.

REASON: In the interest of visual amenity to this rural site in accordance with Policy S1 9) and 12) and Policy D1 1) of the Local Plan.

16 No development works above ground level shall occur until details of a surface water drainage scheme to serve the development have been 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 1/l/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.

REASON In the interest of sustainable development in accordance with Policy S1 7), Policy D2 5) and Policy D5 1) and 4) of the Local Plan and the provisions of the National Planning Policy Framework.

17 No development works above ground level shall occur until details of the foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first use or occupation of the building hereby permitted.

REASON In the interests of good planning and public amenity in accordance with Policy T2, Policy S1 6) and 11), Policy D1 4) and Policy D5 6) of the Local Plan.

18 Before the development hereby permitted commences, 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 interest of public amenity in accordance with Policy D2 6) of the Local Plan.

- 19 All fixed plant and equipment including the back-up generator shall have a combined rated emissions level of 5dB(A) below background (determined in accordance with BS4142:2014 methodology) when operating as its maximum speed and output. Where mitigation is required to meet the noise criteria above, it must be installed prior to first use AND the applicant must also provide the Planning Authority with a validation report from a competent person that confirms that the noise impact arising from the plant and equipment. Where it does not demonstrate this, additional mitigation measures shall be proposed, agreed with the Planning Authority and implemented prior to first occupancy. Any mitigation installed must be retained and maintained thereafter. All noise-related survey reports required must include full details of the calculations and assumptions used in reaching conclusions both on noise impact and mitigation scheme design.

REASON To avoid, mitigate and minimize adverse impacts on health and quality of life from noise and vibration. To comply with Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029.

INFORMATIVES

Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or Application No. Site Location Proposal endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.

All highway related details shall be agreed with the Highway Authority. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org.