



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

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

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

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

FUL/MAL/18/01174

Connect House



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	09/11/2018
www.maldon.gov.uk	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 southern side of Bates Road within an established industrial estate which is part of the 43.6ha 'Causeway, Maldon and Heybridge' area (E1(1)) allocated within the Local Development Plan (LDP) for B1, B2, B8 uses. The site is also within the Causeway Regeneration Area designated as part of the Maldon and Heybridge Central Area Masterplan (Policy S5).
- 3.1.2 The 0.24 hectare (ha) site accommodates a building at its southern end with a forecourt to the north adjacent to Bates Road which accommodates a parking area. There is an existing vehicular access located in the north-eastern corner of the site. There are existing, commercial uses on all sides.
- 3.1.3 The development proposed is the change of use of Connect House from industrial warehousing (Use Class B2) to Short Term Operating Reserve and peak power ('STOR') embedded generating plant (sui generis). This would include external alterations to Connect House including the demolition of the eastern section of the building and the internal building service area on the western elevation. An external chimney would be erected 14m in height with six integrated exhaust stacks on the south-eastern elevation. In addition, auxiliary equipment, six radiator cooling units, a HV switchboard enclosure, a gas kiosk, substations, an acoustic barrier, security fence and associated works are also proposed.
- 3.1.4 Following the demolition proposed, the building would measure 25m in width and 33m in length. The existing building is 8.5m in height. Six penthouse louvres would be added to the south-eastern roof slope of the building, each 2m x 2.5m and 1.7m in height. Louvres would also be added to the north-western and south-western elevations of the building. The existing roof and wall metal sheet cladding would remain as existing.
- 3.1.5 The acoustic barrier fencing (grey in colour) would be 3.5m in height (including electric fencing) along the south-eastern boundary of the site for a distance of around 40m from the southern corner of the site. A section of acoustic fencing 4.95m in height would be located between the front elevation of the building and the south-eastern boundary of the site. The acoustic fencing would enclose the chimney stack, 6no. dry radiator coolers (each 6.8m x 2.2m and 3m in height) and High Voltage switch gear 4.7m x 9.6m and 4m in height, all of which would be grey in colour.
- 3.1.6 Beyond the acoustic barrier, adjacent to the south-eastern boundary of the site would be two DNO rooms (substations) (each 3m x 3m and 3.4 m in height) and a gas kiosk (2.3m x 6m and 2.5m in height) enclosed by security palisade fencing 3.5m in height and green in colour. The same security fencing would be erected along the south-western and the majority of the north-western boundaries of the site.
- 3.1.7 A security barrier would be erected across the vehicular access to the site. The existing fencing along the site's frontage would be retained.

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

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

3.2 Conclusion

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

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

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

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

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

- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

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

5.2 Principle of Development

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

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

5.3 Design and Impact on the Character of the Area

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

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

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

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

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

5.4 Impact on Residential Amenity

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

5.5 Access, Parking and Highway Safety

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

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

5.6 Flood Risk and Drainage

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

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

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

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

Residual Risk

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

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

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

5.7 Other Matters

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

6. ANY RELEVANT SITE HISTORY

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

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Statutory Consultees and Other Organisations

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

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

7.3 Internal Consultees

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

7.4 Representations received from Interested Parties

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

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: PL_MA_001rev.01, PL_MA_002.rev.5, PL_MA_BP_005rev.04, PL_MA_SE_006rev.04, PL_MA_PBP_007rev.03 received on 27/11/18, PL_MA_NSE_008rev.00, Flood Risk Assessment & Drainage Strategy 619874-MLM-ZZ-XX-RP-C-0001 by MLM Group dated 27/09/2018, Air Quality Assessment 776933-MLM-ZZ-XX-RP-J-0001 by MLM Group dated 26/11/2018, Acoustic Technical Report ref.102509-MLM-ZZ-XX-RP-U-0001 by MLM Group dated 27/09/2018, Tree Survey and Impact Assessment 1111-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA dated September 2018, 1111-KC-XX-YTREE-TCP01rev0, 1111-KC_XX_YTREE_TPP01rev.A.
REASON To ensure that the development is carried out in accordance with the details as approved.
3. Details of all external plant and machinery to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The plant and machinery shall be installed and operated in accordance with the approved details and retained as such in perpetuity.
REASON In the interests of the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
4. The development shall not be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be made available for inspection by all occupiers and customers to the site and shall be displayed in a visible location all times thereafter.
REASON As the building is located with Flood Zone 3, in the interests of minimising flood risk, in accord with Policies S1 and D5 of the Maldon District Approved Local Development Plan and the NPPF.
5. Details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings shall be submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details. There shall be no other lighting of the external areas of the site unless otherwise agreed in writing by the Local Planning Authority.
REASON In the interests of the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
6. Prior to the commencement of the use hereby permitted, provision shall be made for the storage of three bicycles within the site in accordance with details which have been submitted to and gained the prior written approval of the Local Planning Authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter. The storage shall be retained as approved in perpetuity.
REASON To promote the use of sustainable means of transport in accordance with Policy D1 of the Maldon District Approved Local Development Plan.
7. The use hereby permitted shall not commence until details of flood resilience / resistance measures to be incorporated into the development have been

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

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

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

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

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

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

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

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

INFORMATIVES

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
2. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
3. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not

considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

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