



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

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to  
**DISTRICT PLANNING COMMITTEE (SPECIAL)**  
**23 OCTOBER 2019**

<b>Application Number</b>	<b>FUL/MAL/19/00561</b>
<b>Location</b>	The Commodity Centre, Braxted Park Road, Great Braxted
<b>Proposal</b>	Change of use of land to a Lorry marshalling area, additional car parking and associated landscaping.
<b>Applicant</b>	Routebuy Ltd.
<b>Agent</b>	Mr Russell Forde – Smart Planning Ltd
<b>Target Decision Date</b>	EOT 30.09.2019
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>GREAT BRAXTED</b>
<b>Reason for Referral to the Committee / Council</b>	Partially sited within a Strategic site within the Local Development Plan

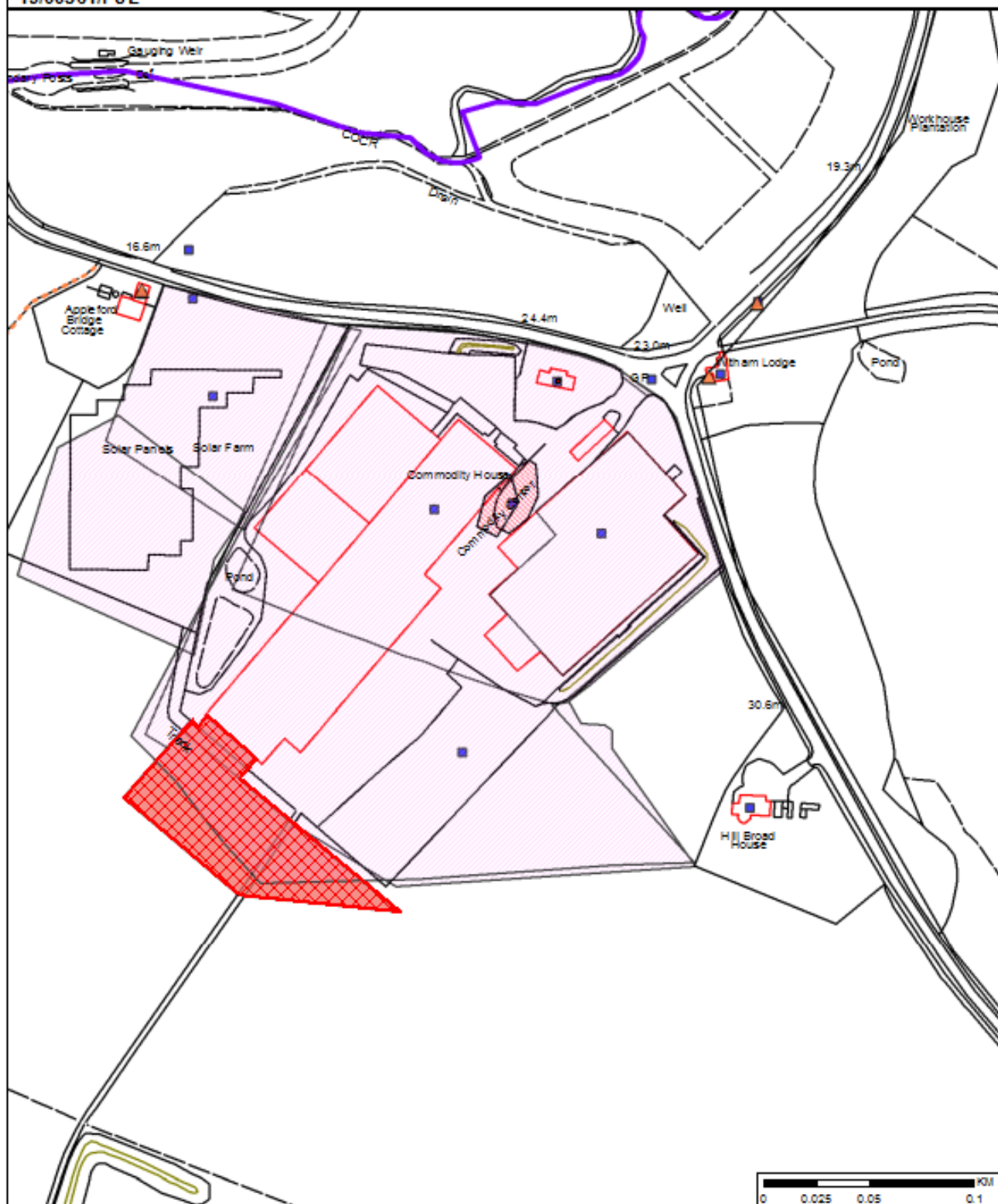
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **The Commodity Centre, Braxted Park Road** 19/00561/FUL



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### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located on the southwestern side of Great Braxted Road, outside of a defined settlement boundary. The site measures 0.55ha (hectares) and is partially located with site E1(s) an allocated employment site under policy E1 of the Local Development Plan (LDP). The part of the site located within the strategic employment site is inclusive of the access and a small area to the north of the application site. The remainder of the site is therefore considered to be countryside as specified by policy S8 of the LDP.
- 3.1.2 The areas surrounding the application site are rural in nature, with exception of sporadic housing development and the wider employment site. The land to the south and northeast of the application site rises and is therefore, partially hidden from public view.
- 3.1.3 The application site consists of an area of hardstanding and parts of the adjacent fields. The area of hardstanding to the rear of the site is currently used for the parking of lorries. The applicant advises that the hardstanding was implemented for construction management purposes in relation to the construction of the warehouse approved under the terms of application FUL/MAL/16/00645. However, the hardstanding is unlawful as it did not form part of the historic application and has never benefited from planning permission.
- 3.1.4 In relation to the above, this application is retrospective in nature and seeks planning permission for the hardstanding associated with lorry marshalling to the rear of the site. Part of the existing, unlawful hardstanding will be retained, measuring approximately 0.14ha and an additional area of hardstanding to the northwest of the existing unlawful hardstanding will be created to the rear of warehouse E, measuring 0.22ha. The hardstanding will also include 14 car parking spaces. An area of existing unlawful hardstanding located to the south of the application site and measuring 0.14ha is proposed to be removed. However, as this is not lawful and does not fall within the application site, any perceived betterment is not something that can be considered as part of the determination process of this application or imposed through a condition.
- 3.1.5 The hardstanding will have a permeable road scalping surface finish.
- 3.1.6 An area of landscaping is proposed to the east of the application site which the applicant refers to as woodland in plan NC18.4441-P201 b. The area will consist of 111 trees and 327 shrub layer species. In addition to the 'woodland' area, a number of trees and hedges will be planted around the perimeter of the hardstanding.

#### **3.2 Conclusion**

- 3.2.1 Having regard to the above assessment, although the proposal would have an urbanising impact on the countryside, it would be seen in context with the adjacent employment site, which it would serve. Furthermore, the proposal includes a sufficient amount of landscaping, which can be finalised by a condition, ensuring a soft edge is provided to the built form. In addition, the proposal would serve an

allocated employment site under policy E1 of the LDP and would therefore, would contribute to the District's economic prosperity. Therefore, it is considered the benefits arising from this would outweigh the identified harm on the character and appearance of the countryside.

#### **4. MAIN RELEVANT POLICIES**

##### **4.1 The National Planning Policy Framework (2019) (NPPF)**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 58 Enforcement
- 59-66 Delivering a sufficient supply of homes
- 80 Building a strong, competitive economy
- 83-84 Supporting a prosperous rural economy
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E1 Employment

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD)
- Maldon District Design Guide SPD

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 Policy E1 of the Maldon District LDP encourages employment generating developments and investment in the District to support the long term growth vision

outlined in the Council's Economic Prosperity Strategy (EPS). This will be achieved through the regeneration, modernisation and expansion of existing employment sites, and through the provision for new employment sites at the strategic allocations and South Maldon Garden Suburbs and other high quality and sustainable locations, including town centres, education and health facilities and with regard to other policies contained within the Plan.

- 5.1.2 Proposals to develop vacant employment sites and buildings, or to modernise or redevelop existing employment sites and buildings would be viewed favourably, especially where this supports the retention of existing businesses and / or provides employment space that meets the current needs of local businesses in the District. The Council will support improvements to the quality of all employment sites and will work with partners to maintain their viability by encouraging the provision of adequate infrastructure and supporting facilities.
- 5.1.3 The Commodity Centre in Great Braxted is identified as E1(s) in the LDP and the Policies Map as a site allocated for employment development. Planning permissions for development will only be permitted for employment purposes if the proposed use falls under Use Class B1, B2 and B8. In this instance, the proposed works as outlined above appears to meet this requirement as the development is to be used ancillary to the existing business. However, it is noted that part of the application site falls outside of the designated employment site.
- 5.1.4 Policy E1 of the approved LDP 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)'. However, it further continues adding that 'new proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District'. The LDP identifies a need for 11.4ha of employment land over the plan period; however, this need is addressed in full within the allocated sites.
- 5.1.5 Policy E1 states that '*outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations*'. This should be read in conjunction with policies S1 and S8 of the LDP where it stipulates that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, the Garden Suburbs and Strategic Allocations, planning permission for the development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for, amongst other things, employment generating proposals, as stipulated in Policy S8(b) of the LDP.
- 5.1.6 The applicant has advised that the required change of use and associated landscaping and car parking is necessary as the use of the existing unlawful yard has improved the efficiency of loading operations and has provided safety benefits. However, there is no justification as to why this is required outside of the designated employment land areas. Nevertheless, taking a pragmatic stance it is clear that there is not available land within the existing allocated employment area that could accommodate the hardstanding. Furthermore, although the red line boundary does

not demonstrate a link between the application site and the wider employment site, due to the type of development proposed it is clear that the proposal would have an ancillary relationship to the wider employment site.

- 5.1.7 Whilst there is some land within the designated employment area to the southeast of the existing buildings which is free from development and could potentially therefore, accommodate the area of hardstanding, it is noted that this area was intended to provide a landscape buffer in relation to the construction of warehouse approved under the terms of FUL/MAL/16/00645. Whilst it would appear that the condition was never discharged, it is considered given the proximity of this area of land to Braxted Park Road and the closest dwelling to the east of the application site, this location would be more prominent and would have a greater impact on both the character and appearance of the public realm and the intrinsic character and beauty of the countryside. Therefore, although this is a matter is addressed later in the report, given that the application site would appear to be a better location for the proposed development in terms of its impacts on the character and appearance of the area, it would not seem reasonable to suggest the proposal should have been located within the designated employment site.
- 5.1.8 Consideration has also been had to paragraph 107 of the NPPF (2019) which considers the importance of providing adequate overnight lorry parking facilities. Given that this development would serve an expanded distribution centre and the site will be used to store vehicles and machinery in association with the wider allocated employment area, it is considered that the site meets the aims of this paragraph and therefore, supports the principle of development in this location.
- 5.1.9 Having regard to the above assessment, whilst it is noted that the proposal, in part, falls outside of a designated employment site, it would serve an allocated employment site as identified within Policy E1 of the LDP. Furthermore, taking a pragmatic stance, it is clear that the proposal could not be adequately accommodated within the existing limits of the employment site due to the limited space available within the existing site and because the space which is available could not accommodate the proposal without resulting in significant harm to the character and appearance of the site, area or countryside. Therefore, the Council should seek to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS), which is to achieve a strong, responsive and competitive local economy. For these reasons the principle of development is not objected to.

## **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 creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of*

*sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

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

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.6 The works being applied for have largely been carried out, with the exception of the hardstanding to the northwest and the woodland to the southeast. Prior to this the site was rural in nature and consisted of open agricultural land which contributed positively to the intrinsic character and beauty of the countryside. The Landscape Character Assessment (EB009a) which forms part of the Evidence Base for the Local Development Plan characterizes this area as part of the Blackwater River Valley. The landscape guidelines for this area suggest that it should be ‘ensured that new built development is in keeping with the landscape character.’
- 5.2.7 The development as carried out involves the intensive use of the land for employment purposes, with the provision of concrete hardstanding, which is considered to have an urbanising effect on the countryside contrary to Policy S8.

The extension of the employment site including the expansive area of hardstanding and associated paraphernalia for a B8 storage use is considered to result in detrimental urban sprawl into the countryside which would result in some harm to the intrinsic character and beauty of the countryside. Although this is less than if built form such as a building would be included. However, it is noted that the low-lying nature of the site in relation to the surrounding land, along with the proposed planting and woodland would provide some screening of these urban features. Furthermore, the development is located to the rear of the employment site and so the impacts on the intrinsic character and beauty of the countryside are slightly mitigated by this relationship. Therefore, on balance it is not considered that the proposed works would result in demonstrable harm to the intrinsic character and beauty of the countryside to a degree which would warrant refusal of the application.

- 5.2.8 The proposed woodland as stated above would provide a green buffer on the southeastern edge of the development and would soften the impacts of the employment site when viewed from the countryside to the southeast. However, there are concerns that the level of planting proposed is not in keeping within the existing landscape character. Whilst there are areas of dense tree planting in the surrounding area, adjacent to the application site is characteristic of open countryside. Therefore, it is considered that a condition should be imposed to agree the level of planting to ensure that a soft edge is provided to the development, but also the proposal respects the landscape character of the area.
- 5.2.9 As stated above, there is an existing unlawful area of hardstanding to the south of the application site, which does not fall within this application. Consequently, this is not a consideration for this application and a condition cannot be imposed as part of this application requiring its removal. Nevertheless, this can be dealt with through other appropriate means.
- 5.2.10 Having regard to the above assessment, although the proposal would have an urbanising impact on the countryside, it would be seen in context with the adjacent employment site, which it would serve. Furthermore, the proposal includes a sufficient amount of landscaping, which can be finalised by a condition, ensuring a soft edge is provided to the built form. In addition, the proposal would serve an allocated employment site under policy E1 of the LDP and therefore, would contribute to the District's economic prosperity. Therefore, it is considered the benefits arising from this would outweigh the identified harm on the character and appearance 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 Maldon District Design Guide (2017).
- 5.3.2 The nearest neighbouring dwelling is Hill Broad House, located approximately 166m to the northeast of the application site. The existing warehouses within the wider employment area are closer than this to the neighbouring dwelling. However, the existing buildings do provide some screening of the vehicle movements in the



site and therefore, provide a buffer between the neighbouring dwellings and the noise created by vehicle movements. By moving the vehicles to the rear of the site, noise will be able to travel further and will be louder within the neighbouring property. Nevertheless, it is considered that the provision of the marshalling area would likely result in a decrease in vehicle movements within the site and having a designated area for lorries will prevent the need for heavy goods vehicles to wait within the main highway, which is closer to the neighbouring property.

Furthermore, the applicant has submitted a Noise Impact Assessment, which considers that the development would not give rise to adverse detrimental noise impacts. Therefore, following consultation with Environmental Health, it is not considered that the development results in demonstrable harm by way of noise pollution, although a condition should be imposed restricting the hours that vehicle movements can take place within the site and engines can be running, to ensure that the neighbouring occupiers are not subject to unacceptable noise disturbance during unsociable hours.

5.3.3 Therefore, it is not considered that the outdoor parking and marshalling area would have an adverse impact on the amenity of the existing occupiers of that property to such a degree to warrant refusal.

5.3.4 For the reasons discussed it is not considered that the proposal would detrimentally impact on neighbouring amenity in accordance with policies D1 and H4 of the LDP.

#### **5.4 Access, Parking and Highway Safety**

5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 The proposed parking area will provide 14 additional car parking spaces to be used as an overflow parking area for yard operatives, and the proposed plans show that ten lorry spaces will be provided. Given that there is no increase in floorspace or employees as a result of the development it is considered that the site provides sufficient car and lorry parking provision.
- 5.4.4 In relation to highway safety, the marshalling area provides an area for lorries to wait, rather than waiting on the public highway, in the yard or within the access, which is also a private road through the centre of the allocated employment site providing access to Little Braxted Hall Estate. Therefore, the area allows lorries to wait in a safe, uncongested location until they are called forward for unloading. For this reason it is not considered that the proposal would be detrimental to highway safety or the free flow of traffic.
- 5.4.5 It should also be noted that the Local Highway Authority has raised no objection subject to conditions.

## **5.5 Other Matters**

- 5.5.1 It is noted that the development has been carried out in part and may result in an increase in surface water runoff. Therefore, although the site lies in Flood Zone 1 it is noted that there may be some risk in relation to surface water runoff. The Lead Local Flood Authority (LLFA) were consulted on the application and initially raised a holding objection on the basis that there was insufficient information provided relating to:
- the existing surface water risk at the site
  - Discharge Rates
  - Water Treatment at the site
  - Maintenance plan
  - Infiltration testing
  - Drainage Plan
  - Exceedance flows
  - Detailing of SuDS components
- 5.5.2 Following the submission of further information by the applicant (The Commodity Centre, Great Braxted, Flood Risk Assessment & Drainage Strategy (Aug. 2019), The Commodity Centre, Great Braxted, Groundwater Investigation Report (Nov. 2018)) the LLFA raised another holding objection due to a lack of information showing the durability of the permeable paving structure and that the materials used were sufficient for the use of the hardstanding. In response the applicant submitted drawing 12292-SK03 showing a cross section of the road and the materials proposed to be used. The LLFA were then consulted for a third time and they confirmed that they now raise no objection to the proposal, but they recommend a covenant to be included with the deed to the land to ensure that Sustainable Drainage Systems (SuDS) features are maintained in the future.
- 5.5.3 It is not possible to impose covenants as part of a planning permission. However, it is possible to impose a condition requiring that the development is carried out in

accordance with the detail outlined within the Flood Risk Assessment and Drainage Strategy (Aug 2019) including the maintenance measures outlined at Appendix L.

- 5.5.4 In the interests of the natural environment it would be necessary to impose a condition requiring that surface water from the vehicle parking and service areas shall be passed through a storm by-pass oil inceptor. Furthermore, a condition should be imposed if the application were to be approved ensuring that any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway. Given that the development has in part, already occurred, the first condition will be required to be submitted within three months of the decision or 11 months after an appeal has been made.

## **5.6 Pre-Commencement Conditions**

- 5.6.1 No pre-commencement conditions are proposed.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/00/00469-** Proposed quarantine building for commodity centre. Approved.
- **FUL/MAL/00/00816** – Proposed quarantine building for commodity building - Revised plans. Approved.
- **FUL/MAL/01/00054-**Removal of condition no. 5 ref: FUL/MAL/00/0816 restricting the use of the proposed building to a quarantine area in exchange for the restriction of an equivalent area of the main building to quarantine purposes. Approved.
- **FUL/MAL/01/00890-**Non-compliance with condition 5 (ref: FUL/MAL/01/00054) to allow bulk storage and distribution of food commodities generally rather than limited solely to agricultural produce. Approved.
- **FUL/MAL/01/00891-**Non-compliance with condition 7 (ref: OUT/MAL/97/00122) to allow bulk storage and distribution of food commodities generally rather than limited solely to agricultural produce. Approved.
- **FUL/MAL/02/00604-**Extension to food Commodity warehouse to enable use of fixed racking system with net reduction in cargo. Approved.
- **FUL/MAL/03/01100-**Extensions to provide chilled storage, ancillary offices staff, changing and rest room facilities, fork lift garage and store. Approved.
- **FUL/MAL/03/01101** - Change of use from offices and caretakers flat to pair of semi-detached houses. Approved.
- **FUL/MAL/05/01010-**Variation of Condition 3 imposed upon Planning Permission FUL/MAL/03/01100 in relation to 278 sq m of office suite (restricted to Routebuy Ltd) to permit general Class B1 use. Approved.
- **FUL/MAL/08/00473-** Extension of existing food commodity warehouse. Approved.
- **FUL/MAL/09/00655-**Single storey rear extension to existing office building. Approved.

- **FUL/MAL/10/00847**- Proposed extension to existing warehouse. Approved.
- **15/05086/DET** - Compliance with conditions notification of FUL/MAL/10/00847 (Proposed extension to existing warehouse). Condition - 7. Travel management plan. Condition Cleared.
- **FUL/MAL/16/00645** - Extension to food commodities warehouse with associated landscaping. Approved.
- **16/05225/DET**- Compliance of conditions notification of approved application FUL/MAL/16/00645 (Extension to food commodities warehouse with associated landscaping) Condition 5 - Hard and soft landscaping. Condition 6 - Surface water drainage scheme. Condition 8 - Maintenance plan. Condition 12 - Vehicular facilities. Condition 13 - Parking provisions for bicycles and powered two wheelers. Conditions part cleared, part refused.
- **16/05230/DET** - Compliance with conditions notification FUL/MAL/16/00645 (Extension to food commodities warehouse with associated landscaping) Condition 14 - Construction Method Statement. Condition cleared.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Great Braxted Parish Council	No objection	Noted

### 7.2 **Statutory Consultees and Other Organisations** (*summarised*)

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Local Highway Authority	No objection subject to conditions	Noted and addressed at section 5.4
Sustainable Drainage Systems	Two initial responses were received objecting to the application based on insufficient information.  The third and final response received raised no objection but requested a covenant was placed on the land to ensure SuDS features are maintained in the future	Addressed at section 5.5

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environment Agency	No response received at the time of writing this report.	Noted
Natural England	No comments to make	Noted

### 7.3 Internal Consultees (*summarised*)

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	The noise impact assessment and its addendum indicate that there will be negligible impact on the existing nearest noise sensitive premises including from Fork Lift Trucks (FLT's). Therefore, the site is suitable for use in terms of noise.	Addressed at section 5.3
Planning Policy	This application site is adjacent to the employment allocation E1(s) in the Maldon District Local Development Plan (approved 2017). LDP Policy E1 supports improvements to employment sites through the provision of infrastructure and supporting facilities, and the expansion of existing employment areas, subject to design, environment and infrastructure considerations	Addressed at section 5.1
Economic Development	Support – proposal will enable this well-established business to continue to trade and expand from their existing headquarters.	Noted

## **7.4 Representations received from Interested Parties (*summarised*)**

7.4.1 No letters were received in relation to this application.

## **8. PROPOSED CONDITIONS**

- 1 The development, with the exception of the landscaping, shall be carried out in accordance with the following approved plans and documents: 17.4443/M001, 17.4443/M002 Rev E, 17.4443/M003 Rev D, 17.4443/E101 Rev D, 17.4443/P201 Rev G, 17.4443/P205 Rev D, NC18.441-P201 Rev B, 12292-SK03 Rev A,  
REASON: For the avoidance of doubt as to the extent of this permission.
- 2 No further development shall be carried out unless within three months of the date of this decision a scheme for the landscaping of the site, including details of changes to natural ground level and a timetable for its implementation, has been submitted for the written approval of the local planning authority.

The use hereby permitted shall cease and all hardstanding and stored items brought onto the land for the purposes of such use shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three months of the date of this decision the above mentioned landscaping scheme shall have been submitted for the written approval of the local planning authority
- (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable

REASON: To ensure the adequate landscaping of the site to mitigate the visual impact of the development in accordance with policies S8 and D1 of the Maldon District Local Development Plan.

- 3 The hard surfacing of the development hereby approved shall be constructed of grey coloured road planings / scalpings as detailed within the application form and as detailed on plan 12292-SK03 Rev A.  
REASON To ensure that the development harmonises with the existing buildings within the site and to prevent increased surface water runoff in accordance with policies D1 and D5 of Maldon District Local Development Plan.

- 4 No further development shall be carried out unless within three months of the date of this decision a scheme for scheme detailing the means of preventing oil and other such liquid pollutants leaking / seeping into the land or controlling such leaking / seeping, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within three (3) months of the date of this decision a scheme detailing the means of preventing oil and other such liquid pollutants leaking/seeping into the land or controlling such leaking/seeping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation
- (ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable

REASON: To ensure the provision of suitable pollution control measures in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 5 Any containers used for the storage of oil and other chemicals shall be stored in areas which do not drain to any watercourse, surface water sewer or soakaway.

REASON: To ensure the provision of suitable pollution control measures in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 6 The movement of vehicles and running of engines shall only be undertaken between 0700 hours and 1900 hours on weekdays and between 0700 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

REASON: To ensure the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 7 No further development shall be carried out unless within three months of the date of this decision a scheme detailing any lighting to be installed at the site, has been submitted for the written approval of the local planning authority.

The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) within 3 months of the date of this decision a scheme detailing any lighting to be installed at the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation;
- (ii) if within eleven months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
- (iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

REASON: To ensure the provision of suitable lighting without harming the character of the countryside in accordance with policies S8, D1 and D2 of the Maldon District Local Development Plan.

- 8 The hardstanding and parking shall be used only for purposes in conjunction with and ancillary to the primary use of the buildings labelled 'A Shed' 'B Shed', 'E Shed', 'K Shed' 'F Shed' on plan 17.4443/P201 G and shall not be used separately.

REASON: To ensure that the site is used as intended and so that the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 9 The vehicle parking area and associated turning area as shown on planning drawing 17.4443/P205 Rev D shall be retained in the agreed form at all times.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.

- 10 No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the abovementioned plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.

REASON: To ensure that the site is used as intended and so that the proposed use does not harm the amenities of nearby residents in accordance with policies D1 and D2 of the Maldon District Local Development Plan.



- 11 Within 3 months of the date of this decision the measures, including the maintained measures, contained within the Flood Risk Assessment and Drainage Strategy a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place and retained in perpetuity. The use of land hereby permitted shall cease and all hardstanding and stored items shall be removed within six months of the date of failure to meet this requirement.  
REASON To prevent increased surface water runoff in accordance with policies D1 and D5 of Maldon District Local Development Plan.

**INFORMATIVES:**

- 1 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site the relevant consent must be sought from the Environment Agency.

Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

- 2 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.