



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
20 OCTOBER 2021**

Application Number	21/00339/FUL
Location	Quest Motors, Wycke Hill Business Park, Maldon
Proposal	Erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or specified Sui Generis uses and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works
Applicant	Barkby Real Estate Developments Ltd
Agent	Karen Calkin - Firstplan
Target Decision Date	02.08.2021
Case Officer	Kathryn Mathews
Parish	MALDON TOWN COUNCIL
Reason for Referral to the Committee / Council	Major Application

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Quest Motors, Wycke Hill Business Park, Maldon
 21/00339/FUL



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	Organisation: Maldon District Council	Department: Department
	Comments: Central Area Committee	Date: 09/07/2021
	www.maldon.gov.uk	MSA Number: 100018588

3. SUMMARY

- 3.1 This application was deferred at the Central Area Planning Committee on 28 July 2021 (Minute 176 refers) to provide the applicant an opportunity to address the concerns raised in relation to parking provision.
- 3.2 Whilst the number of parking spaces proposed was considered to be sufficient when assessed against the minimums recommended as part of the adopted parking standards, the size of all of the parking spaces at 2.5m x 5m was below the minimum of 2.9m x 5.5m recommended in the adopted standards.
- 3.3 There was also the concern that there were no lorry parking spaces proposed which are required to serve Class B8 uses to comply with the adopted standards.
- 3.4 As a result, the development would have failed to accommodate the parking demand that would be generated by the amount of floorspace proposed which, in turn, is likely to lead to cars parking off-site in adjoining street potentially causing conditions of obstruction, congestion and danger to pedestrians and other road users, contrary to Policies D1 and T2 of the Local Development Plan (LDP).
- 3.5 Following the above, officers have been in discussion with the applicants, the result of which the scheme has been revised through further information and drawings to address the concerns previously raised. The assessment below is based upon this further/revised information and drawings.
- 3.6 The description of the proposal has also been amended to replace reference to Class B8 with specified Sui Generis uses, as recommended by Officers, as it was considered that the types of uses proposed did not fully fall within Class B8. The specified Sui Generis uses proposed are as follows:
- Builders and Plumbing Merchants (including kitchens, bathrooms, tiles, joinery, building and decoration supplies)
 - Electrical Wholesale
 - Motor Supplies
 - Hair and Beauty Supplies
 - Tool Hire and Sales

3.7 Proposal / brief overview, including any relevant background information

- 3.7.1 The application site is located to the south of Maldon and is currently vacant but was last occupied by Quest Motor Group who operated a car showroom and MOT testing/workshop from the site. The 0.69ha site is triangular in shape with a single storey, flat roofed building located roughly centrally and an area around the site's perimeter which was used to display cars for sale. To the north is Wickes and Pets at Home, with Morrisons supermarket and petrol filling station to the east, beyond a mini-roundabout. Further to the north of Wickes is Wycke Hill Business Park which consists of various employment/industrial units. The nearest residential property is located approximately 42m to the west on the opposite side of Wycke Hill.
- 3.7.2 Land to the west and south, beyond Wycke Hill, is allocated for residential development within the approved Maldon District Local Development Plan (MDLDP) with a small area also allocated for employment opposite the site on land adjacent to Knowles Farm (E1(q)).

- 3.7.3 The application site is not allocated for any specific use in the approved LDP but was used as a car showroom with ancillary facilities following planning permission having been granted in 2004 (refer to the relevant planning history below). The site is within the settlement boundary for Maldon with its western boundary forming that edge of the settlement. There is a public footpath along the northern boundary of the site.
- 3.7.4 Vehicular access to the site is via the access road serving the Business Park to the north which connects with a roundabout at the junction of Wycke Hill, Limebrook Way and Maldon Road located adjacent to the site's southern boundary.
- 3.7.5 Planning permission is sought for the erection of a mixed-use development comprising Class B2 (including autocentre with vehicle repair, MOT testing, servicing and associated operations) and/or specified Sui Generis uses and Class E (drive-thru coffee shop) uses together with access, servicing, car parking and associated works.
- 3.7.6 It is the applicant's intention that Unit 1 (408.8sq.m.), to be located in the north-eastern corner of the site, would be an autocentre such as Formula One (Class B2) but, for flexibility, planning permission for specified Sui Generis uses is also sought.
- 3.7.7 Unit 1 would measure 30.4m in length x 14.9m in width and 8.2m in height with a pitched roof (to include roof lights). The external materials would consist of a mixture of black and silver coloured metal cladding with elements of timber cladding and a grey coloured metal clad roof.
- 3.7.8 Units 2 and 3 (278.7sq.m. and 464.5sq.m., respectively) would be located in the north-western corner of the site and are described as employment/trade units. Tool Station is a potential occupier for Unit 2 but, for flexibility, consent for Class B2 and/or specified Sui Generis uses is also sought. The applicant has suggested that a 30% restriction on floorspace for any showrooms/displays is imposed to ensure these elements remain ancillary which they suggest is an approach taken by other local planning authorities.
- 3.7.9 Units 2 and 3 would be within a second building which would measure 32.9m in length x 25m in width and a maximum of 9.3m in height with a pitched roof (to include roof lights). The external materials would match Unit 1.
- 3.7.10 Unit 4 (167.2sq.m.) is proposed as a drive-through coffee shop (Class E) to be located in the southern part of the site. Indoor and outdoor seating would be provided along with a drive-through lane. The applicant suggests that this element of the proposal would *'provide an ancillary and complementary function to the employment uses proposed on the site, and the wider employment area'*.
- 3.7.11 Unit 4 would be a third building which would measure 17.6m in length x 13.9m in width and be a maximum of 6m in height with a mono-pitched roof. The external materials would consist of a mixture of white and red render, a blue brickwork plinth and timber cladding for the walls and a grey coloured profiled metal roof. There would be a bin/plant store attached to the southern elevation of the building which would project 4.3m and extend 7m in length. The store would be enclosed with 2.6m high fencing which would match the timber cladding proposed on the southern elevation of the building. The applicant's agent has advised that extraction equipment would not be required for the type of Class A3 use proposed.
- 3.7.12 The majority of the existing vegetation along the site's boundaries would be retained and new planting is also proposed.

3.7.13 It is stated that the existing car showroom extends to 1200sq.m. of floorspace and that the floorspace proposed would total 1319sq.m. (1152sq.m. for the main buildings and 167.2sq.m. for the drive-through coffee shop). The applicant advises that the development is likely to provide employment opportunities greater than the previous use of the site (which provided 25 full time jobs), estimating that between 28-35 full time jobs would be provided.

3.7.14 The proposed hours of opening would be as follows:

- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
- Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
- Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays

3.7.15 Vehicular access to the site would be provided via a new access off the existing mini-roundabout along the access road to the Wycke Hill Business Park to the north of the application site. The existing vehicular access would be removed and replaced with a footpath.

3.7.16 The application is supported by a number of documents, as follows: Design and Access Statement, Landscape Strategy, Transport Assessment and Transport Statement Update, Contamination Study, Noise Assessment, Sustainable Drainage Strategy, Arboricultural Impact Assessment rev.B, Health Impact Assessment, Sustainable Drainage Strategy, Planning, Economic and Sequential Approach Statement and a further parking response dated 14.09.2021.

3.7.17 With respect to parking provision, the originally submitted scheme included a total of 52 car parking spaces three of which would have electric charging points. Four 'operational spaces' were also proposed in front of Units 2 and 3 as well as three MOT bays in front of Unit 1. There would be 8 cycle parking spaces adjacent to Unit 1 and 6 adjacent to the proposed coffee shop.

3.7.18 Following the concerns raised in relation to the parking proposed (see below), the scheme has been amended to include, what the applicant's agent describes as a 'hybrid' approach to parking bay sizes across the site. Details of the parking proposed is set out in section 5.5 below.

3.8 Conclusion

3.8.1 It is considered that the proposal would be acceptable in principle and would not cause material harm to the character or appearance of the area. Furthermore, the development would not cause material harm to local residents, subject to the imposition of conditions. No concerns are raised in relation to highway safety/access/parking provision, contaminated land or surface water drainage.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development

- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy
- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change

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

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy E1 – Employment
- Policy E2 – Retail Provision
- Policy D1 - Design Quality and the Built Environment
- Policy D2 – Climate Change and Environmental Impact of New Development
- Policy D5 – Flood Risk and Coastal Management
- Policy T1 – Sustainable transport
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application is the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of local residents, drainage and highway safety/access/parking issues. The issue of contaminated land would also require consideration.

5.2 Principle of Development

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk areas, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

- 5.2.2 Policy E1 states that proposals to modernise or redevelop existing employment sites and buildings will be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment space that meets the current need of local businesses in the District. The Policy also states that, outside designated employment allocations, new provision for high quality employment space or the extension of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations, which are matters discussed below.
- 5.2.3 Policy E1 requires that new employment uses are directed towards the designated employment areas before other sites are considered, the previous use (a car showroom and MOT/workshop facility) was an employment generating use and therefore, the redevelopment of the site for a new employment use is considered acceptable. Whilst it is acknowledged that the coffee shop element proposed would not be an employment use, it is small scale and the provision of new fit for purpose buildings would outweigh the relatively small loss of employment land. Furthermore, the site is in close proximity to a number of retail spaces and it is considered that the proposed coffee shop would complement the wider area and therefore, is acceptable in planning terms.
- 5.2.4 In support of the proposal, reference is made to the employment the industrial/trade specialist uses would generate, that the development would bring new investment into the District and that the development would complement the existing range of uses within the adjacent Business Park.
- 5.2.5 Based on the above, it is considered that the development proposed would be appropriate to the site, given its previous use, would be acceptable in principle and is not contrary to Policy E1 of the LDP.
- 5.2.6 As part of the application, it is suggested that other local planning authorities have accepted the trade specialist uses proposed as 'Class B8 with ancillary showroom' (a Sui Generis use). In their view, this *'highlights the predominantly storage and distribution nature of their business whilst acknowledging that the units incorporate showroom/display areas, and that sales, albeit predominantly to the trade sector, also occur on site'*. However, the applicant has advised that they would be willing to accept an alternative approach whereby specified Sui Generis uses are considered. It is also suggested that a common approach taken by other local planning authorities is to restrict the showroom/display area for such uses to 30% of the floorspace. It is considered that it would be necessary to limit the floorspace used as showrooms/ display areas within the units to ensure that these elements remain ancillary to the employment uses proposed.
- 5.2.7 Policy E2 relates to retail provision. The Policy requires that a retail impact assessment is submitted for applications where new retail floorspace proposed exceeds 1,500sq.m. in Maldon and Heybridge and the new retail use is in an edge or out-of-centre locations, such as the site the subject of this application. However, the retail floorspace proposed would be less than the 1,500sq.m. threshold.
- 5.2.8 Policy E2 also requires that additional retail need should be accommodated in town centres, in line with the sequential test. Only where it is proven that there is no town centre site that is available, suitable and viable, should edge-of-centre or out-of-centre sites be considered although it is acknowledged, in the Policy, that there is, to a limited extent, potential to locate new retail space, in the form of Local Centres, to support the garden suburb population needs at the growth areas of South Maldon and Heybridge identified in Policy S2.

- 5.2.9 In support of the application, the applicant has advised that there are no available retail units within Maldon town centre which could accommodate the specific use proposed i.e. a drive-through coffee shop. Officers have no reason to disagree that there are no suitable and viable sites within the town centre to accommodate the coffee shop proposed. Furthermore, as stated above, it is considered that the coffee shop would be a use which would be appropriate when considering the wider commercial nature of the site and its surroundings
- 5.2.10 Based on the above, it is considered that the development proposed would be appropriate to the site, would be acceptable in principle and is not contrary to Policy E2 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 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

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

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

5.3.5 The new buildings would replace an existing building which has a floorspace of 1200sq.m. and a flat roof height of 7.2m located roughly centrally within the site. The combined floorspace of the new buildings would result in a limited increase of floorspace on site of around 120sq.m.. The height of the two larger buildings would

be 8.2m or 9.3m which would be greater than the height of the existing building, but these new buildings would have pitched roofs, unlike the existing building, and would be located in a less visually prominent part of the site than the existing building (the north-eastern and north-western corners of the site) behind existing, boundary vegetation. The proposed coffee shop would be marginally closer to the southern and western boundaries of the site than the existing building but would have a significantly smaller footprint and would be lower in height. The Maldon Society has raised concerns regarding the location of the bin storage enclosure but, whilst it would be less visible if it were to be located on the northern rather than the southern elevation of the building, the timber enclosure would be viewed with the coffee shop as a backdrop, match the timber cladding on the building to which it would be attached and, in the context of the development as a whole, would not cause material harm to the character and appearance of the area. No objection is raised to the external materials proposed which are considered to be appropriate for the type of development proposed. The majority of the existing vegetation would be retained and new planting along the site boundaries is proposed. A condition requiring details of works within the Tree Protection Areas of the trees to be retained, as recommended by the Consultant Arboriculturalist, is included below.

- 5.3.6 Based on the above, it is considered that the layout and design of the development would be acceptable, and the proposal would not cause material harm to the character or appearance of the area, in compliance with Policy D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 There are no existing residential properties within the immediate vicinity of the proposed development but there are residential properties on the opposite side of Wycke Hill. A Noise Assessment has been submitted in support of the application.
- 5.4.3 The Specialist - Environmental Health has raised no objections to the proposal, subject to a condition requiring a Construction Management Plan.
- 5.4.4 Based on this advice and taking into account the fact that the development would replace an existing use which would have generated noise and disturbance and as the nearest residential properties would be separated from the development by a busy road (Wycke Hill), it is not considered that the development would cause harm to the amenity of the existing residents in the vicinity of the site, in compliance with Policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 VPS 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 specific parking standard for the Sui Generis uses specified, but the following standards are considered to be relevant to the development proposed:-

Class B2

General Industry: car parking 1 space per 50sq.m.; cycle parking 1 space per 100sq.m. for staff and 1 space per 400sq.m. for visitors

Class B8

Storage and Distribution: Warehouse distribution: Car parking 1 space per 100sq.m., 1 lorry space per 200sq.m. Cycle parking 1/500sq.m. for staff; 1/1000sq.m. for visitors

Class A3 (now part of Class E)

Roadside cafes (including drive through outlets): Car parking 1 space per 5sq.m. Cycle parking 1 per 4 staff and 1 per 25sq.m. for customers.

- 5.5.4 Unit 1 would have a floorspace of 408.8sq.m. which equates to a need to provide a minimum of 9 car parking spaces and five/six cycle parking spaces. Units 2 and 3 would have a combined floorspace of 743.2sq.m. which equates to a need to provide a minimum of 8 car parking spaces and three cycle parking spaces using the adopted standard for Class B8 uses. Unit 4 would have a floorspace of 167.2sq.m. but only 100sq.m. would be for customer use which would equate to a need to provide a minimum of 20 car parking spaces, 7 cycle parking spaces for customers plus cycle parking for staff.

5.5.5 Units 1, 2 and 3

- 19 car parking spaces at the minimum dimensions required of 2.9m x 5.5m
- 9 car parking spaces for 'operational' use with dimensions of 2.5m x 5m
- 8 cycle parking spaces

- 5.5.6 This car parking provision would be sufficient to meet the minimum required by the SPD.

5.5.7 Unit 4

- 18 car parking spaces at the minimum dimensions required of 2.9m x 5.5m
- 3 car parking spaces for 'operational' use (for staff) with dimensions of 2.5m x 5m
- 6 car parking spaces with dimensions of 2.9m x 5m
- 6 cycle parking spaces

This would be an overall under provision of 2 car parking spaces with dimensions less than the minimum recommended in the SPD and there would be an under provision of cycle parking. However, these deficiencies are considered to be minor in the context of the development as a whole. Furthermore, there is the potential for at least some joint trips with the trade units proposed.

- 5.5.8 In terms of the lack of dedicated lorry parking, the applicant refers to the Transport Assessment submitted which includes vehicle swept paths for the various delivery and refuse collection vehicle requirements for turning and parking. They also advise that Units 2 and 3 would have a roller shutter door for the receipt of delivery vans and when space for a larger goods vehicle is required which cannot take place out-of-hours, the 4 'operational' parking bays immediately in front of the units would be used

temporarily. It is suggested that such management measures are a regular occurrence on 'trade park' centres as the sizes of the units are sufficiently small that they do not attract tenants with businesses requiring a high turnover of heavy goods vehicles. It is further noted that the majority of deliveries would be transit type vans and the applicant has suggested that a condition could be imposed to limit the use of these units to the Sui Generis uses specified and to require a delivery and servicing management plan for all tenants which would cover the following matters:

- Intended operating hours and servicing hours for each tenant;
- For each tenant, information on expected deliveries per week, in terms of frequency, duration of loading/unloading;
- For each tenant, information on delivery vehicle types (specifically when vehicles larger than 7.5t are expected);
- To maintain a plan showing the car parking layout and intended unloading areas; and
- To review the Plan on an annual basis, providing an update to the local planning authority as appropriate, such as where there is a change of tenant.

5.5.9 Based on this additional information provided and subject to the imposition of the above conditions, no objections are raised to the lack of dedicated lorry parking spaces as part of the development.

5.5.10 In relation to the proposed means of vehicular access to the site, Essex County Council Highways (ECC) has raised no objections subject to the imposition of conditions. Based on this advice, it is considered that the proposed means of access would be acceptable, and the proposal would not have an adverse impact on highway safety.

5.5.11 In summary, it is considered that the development would be acceptable in terms of its impact on highway safety, access and parking provision, in compliance with Policies D1 and T2 of the LDP, and that Officers' previous concerns have been adequately addressed.

5.6 Drainage

5.6.1 No concerns are raised to the foul drainage proposed as this would be to the mains sewer.

5.6.2 With respect to surface water drainage, the ECC SuDS Team has raised no objections to the proposal (Policy D5).

5.7 Contaminated Land

5.7.1 Based on the advice of the Specialist – Environmental Health, no concerns are raised in relation to contaminated land subject to the imposition of the condition recommended by the Specialist (Policy D2).

5.8 Other Matters

5.8.1 There are two 'pre-commencement' conditions recommended below. The applicant has raised no objection to the imposition of these conditions.

6. ANY RELEVANT SITE HISTORY

- **04/00015/FUL** - Car showroom facility with associated ancillary space, MOT testing station, workshop facility and steamer bay – Approved 17.06.2004
- **06/01200/FUL** – Erection of car preparation and hand-over enclosure – Approved 15.05.2007
- **11/00673/FUL** - Construction of a new single storey hand over bay to existing car showroom building. Internal alterations and re-painting of Kingspan external cladding – Approved 05.10.2011

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 approval	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SuDS Team	No objections.	Noted – refer to section 5.6 of report.
Environment Agency	No objection based on no infiltration SuDS at the site, and no sensitive water receptors at the site.	Noted.
ECC Highways	The proposal as submitted is not considered detrimental to highway safety, capacity or efficiency, Consequently, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the imposition of conditions requiring a Construction Management Plan, the suitable and permanent closure of the access to be closed, controlling the details of new accesses, provision of the parking area proposed, no discharge of surface water onto the highway and maintenance of the public's rights and ease of passage over public footpath no 1 (Maldon) at all times, and informatives.	Noted – the conditions recommended are included below. Refer to section 5.5 of report.
Cadent Gas	There is apparatus in the vicinity of the site.	Comments noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections subject to conditions requiring a Construction Management Plan and relating to contaminated land.	Noted – the conditions recommended are included below. Refer to sections 5.4 and 5.7 of report.
Arboricultural Consultant	No objection to the trees shown to be removed for sight lines, these can be replicated elsewhere on site with new planting. Recommends that a condition is imposed requiring a tree protection method statement, to include how work within the Tree Protection Areas will be carried-out and for other trees shown to be retained.	Noted – the condition recommended are included below. Refer to section 5.3 of report.

7.4 Representations received from Interested Parties

7.4.1 3 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objecting Comment	Officer Response
Concern regarding the visual prominence of the bin and waste store for the Costa coffee shop - the appearance of the proposal from the main road would be improved if elevation 2 was swapped with elevation 4.	Noted – refer to section 5.3 of report.
Traffic is appalling around this area. Would cause same traffic difficulties caused by McDonalds at Tesco's.	Noted – refer to section 5.5 of report.
No need for drive-thru. A new doctors surgery or clothes shop would be preferable	Noted.

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:

Site Location Plan 16408-99C
 Existing Context Plan 16408-100C
 Existing Site Plan 16408-101C
 Existing GA Plan 16408-102A
 Existing Roof Plan 16408-103A
 Existing Elevations 16408-104A
 Proposed Context Plan 16408-110G
 Proposed Site Plan 16408-111 I
 Proposed Site Sections 16408-112 D
 Proposed Street Scene 16408-113
 Unit 1 Proposed GA Plan 16408-120B
 Unit 1 Proposed Roof Plan 16408-121C
 Unit 1 Proposed Elevations 16408-122C
 Units 2&3 Proposed GA Plan 16408-130C
 Units 2&3 Proposed Roof Plan 16408-131D
 Units 2&3 Proposed Elevations 16408-132D
 Unit 4 GA Plan 16408-140A
 Unit 4 Roof Plan 16408-141B
 Unit 4 Proposed Elevations 16408-142D
 Proposed Cycle Shelter 16408-150A
 Landscape Plan – 16408-VL-L01F
 External lighting - D42260/LKM/C rev.A

Outline drainage layout - 4919-HJCE-ZZ-XX-DR-C-3001 rev.PO1
 Drainage areas proposed - 4919-HJCE-ZZ-XX-DR-C-3002 rev.PO2
 Sustainable Drainage Strategy
 16408-015B Parking Plan

Updated Transport Assessment May 2021

REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 The materials used shall be as set out within the application form/plans hereby approved.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the NPPF.

- 4 No form of external illumination shall be provided other than in accordance with the details hereby approved (including the luminance and spread of light; and the design, position and specification of the light fittings). The external illumination shall be retained in accordance with the approved details.

REASON: In order to protect the amenity of the local residents and the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

- 5 The opening hours shall be limited to the following:

- Class B2 use: 08:30 to 18:00 Monday to Friday; 08:30 to 17:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays
- Drive-through coffee shop: 05:00 to 23:00 Monday to Sunday
- Units 2 and 3 (other employment/trade units): 07:00 to 20:00 Monday to Friday, 07:00 to 19:00 on Saturdays and 09:00 to 17:00 on Sundays and Bank Holidays

REASON: For the avoidance of doubt and in order to protect the amenity of local residents, in accordance with Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.

- 6 Should the existence of any contaminated ground or groundwater and/or hazardous soil gases be found that were not previously identified, it must be reported in writing to the local planning authority immediately, a risk assessment of the site undertaken and a scheme to bring the site to a

suitable condition submitted to and agreed in writing by 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 shall be undertaken by a competent person in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers'.

REASON: To ensure that any contaminated land within the site is dealt with appropriately, in accordance with Policy D2 of the approved Maldon District Local Development Plan and the NPPF.

- 7 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
 - e. the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - 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.
 - f. measures to prevent the pollution of ground and surface waters
 - g. where any soils that are known to be contaminated are being excavated /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.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and in the interests of the amenity of local residents, in accordance with Policies T2 and D1 of the approved Maldon District Local Development Plan and the NPPF.

- 8 The existing access on Wycke Hill Business Park as shown on the site layout plan (DWG No.16408-101C) shall be suitably and permanently closed incorporating the reinstatement to full height of the footway / kerbing immediately the proposed new access is brought into first beneficial use.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 9 Prior to first occupation of the development, and as shown in principle on planning DWG No. 16408-111 rev.I, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be more than 12.5 metres. Any redundant parts of the existing accesses on the frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway footway and kerbing immediately the proposed new accesses are brought into first beneficial use.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 10 Prior to occupation of the development, the access at its centre line of the entry lane shall be provided with a clear to ground visibility splay with dimensions of 4.5 metres by 40 metres 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.

REASON: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 11 The public's rights and ease of passage over public footpath no 1 (Maldon) shall be maintained free and unobstructed at all times.

REASON: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 12 The development hereby approved shall not be occupied until such time as the vehicle parking area indicated on drawing number 16408-111 rev.I, has been hard surfaced, sealed and marked out in parking bays. 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.

REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.

- 13 The cycle and powered two wheeler parking facilities as shown on the approved plan 16408-111 rev.I shall be provided prior to the first occupation of the development and retained at all times.

REASON: To ensure appropriate parking is provided in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 14 There shall be no discharge of surface water onto the Highway.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

- 15 Prior to any works being carried-out within the Tree Protection Areas of the trees to be retained, details of the works shall have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.

- 16 Within the first available planting season (October to March inclusive) following the commencement of the development the landscaping works shall be fully implemented in accordance with the approved details. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.

- REASON In the interests of the character and appearance of the area in accordance with Policy D1 of the approved Maldon District Local Development Plan and the NPPF.
- 17 No more than 30% floorspace of each of Units 1, 2 and 3 shall be used as a showroom/display of items for sale at any time.
- REASON In order to ensure that this element remains ancillary to the use of these units, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Unit 4 shall only be used as a drive through coffee shop and no other use at any time.
- REASON Planning permission is granted for this use on the basis that it is a supportive/complementary use, in accordance with Policies E1 and E2 of the approved Maldon District Local Development Plan and the NPPF.
- 19 No additional floorspace shall be created within any of the units hereby permitted.
- REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 20 Prior to the occupation of any of the units hereby permitted, a delivery and servicing management plan for all tenants shall be submitted to and approved in writing by the local planning authority. The Plan shall cover the following matters:
- Intended operating hours and servicing hours for each tenant;
 - For each tenant information on expected deliveries per week, in terms of frequency, duration of loading/unloading;
 - For each tenant information on delivery vehicle types (specifically when vehicles larger than 7.5t are expected);
 - a plan showing the car parking layout and intended unloading areas; and
 - To review the Plan on an annual basis and submit an update to the local planning authority for approval in writing including where there is a change of tenant.
- REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 21 The Sui Generis uses permitted for Units 1, 2 and 3 shall be restricted to the following unless otherwise agreed in writing by the local planning authority:
- Builders and Plumbing Merchants (including kitchens, bathrooms, tiles, joinery, building and decoration supplies)
 - Electrical Wholesale
 - Motor Supplies
 - Hair and Beauty Supplies
 - Tool Hire and Sales
- REASON: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.

INFORMATIVES

1. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is

considered to be a breach of this legislation. The public's rights and ease of passage over public footway no1 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

2. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with Essex County Council. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
3. The developer will be responsible of the expense of moving any existing utilities located within the Highway.
4. 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
5. Cadent Gas has advised that apparatus has been identified as being in the vicinity of your proposed works: Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity). BEFORE carrying out any work you must - contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted; - ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>; - in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.