



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
20 OCTOBER 2021**

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**PRESENT**

Vice-Chairman                      Councillor Mrs J C Stilts  
(in the chair)

Councillors                              M S Heard, B B Heubner, K M H Lagan, C Mayes, C Morris,  
S P Nunn, N G F Shaughnessy and C Swain

**1. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone present and went through some general housekeeping arrangements for the meeting.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Miss A M Beale and M R Edwards.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes of the meeting of the Committee held on 25 August 2021 be approved and confirmed.

**4. DISCLOSURE OF INTEREST**

There were none.

**5. 21/00339/FUL - QUEST MOTORS, WYCKE HILL BUSINESS PARK, MALDON**

<b>Application Number</b>	<b>21/00339/FUL</b>
<b>Location</b>	Quest Motors, Wycke Hill Business Park, Maldon
<b>Proposal</b>	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
<b>Applicant</b>	Barkby Real Estate Developments Ltd
<b>Agent</b>	Karen Calkin - Firstplan
<b>Target Decision Date</b>	02.08.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation an Objector, Mr Smye addressed the Committee on behalf of the Maldon Society followed by the Agent Ms Miles.

In response to questions from Members, the Specialist Development Management provided the Committee with the following information:

- In respect of car parking, it was confirmed that the scheme met the required number of parking spaces to accord with the Council's car parking standards however in addition to this number there were some spaces which were not of the recommended minimum size.
- Any changes to the uses conditioned would require permission from the Council. The Officer outlined the different Use Classes.
- In response to a question regarding conditioning the use of recyclable cups Members were informed that this was not within the powers of the Local Planning Authority, however an informative could be added to encourage their use. Councillor N G F Shaughnessy requested that this informative be added.
- It was confirmed that there would be electric vehicle charging points provided within the scheme.

Councillor C Morris proposed that the Committee accept the Officers' recommendation with an additional condition to change the layout as indicated by the objector in his presentation. This proposal was not supported.

There was some concern raised regarding the addition of another national brand of coffee shops rather than an independent shop. Members were advised that this was not something that could be controlled through the planning process.

Following further discussion Councillor M S Heard proposed that the application be approved, subject to all of the car parking spaces being 2.9 x 5.5m and therefore complying with the Council's parking standards and that an electric vehicle charging point be provided within the proposed coffee shop parking area. This proposal was duly seconded.

In response to Councillor Heard's proposal, the Officer explained that the Developer was not able to make all the parking spaces larger without interfering with access areas. Members discussed all car parking spaces being the minimum size and the Officer highlighted how there may not be enough space to do this in some areas resulting in the loss of some spaces. Following further discussion, the Officer suggested that should Members be mindful to agree the additional condition proposed this should request that a revised parking layout, with all spaces at least the minimum size, be provided by the applicant for approval. Councillor Heard supported this and amended his proposal accordingly.

The Chairman confirmed that the additional condition would come back to the Chairman of the Committee for agreement. She then put the proposal in the name of Councillor Heard and upon a vote being taken this was duly agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:  
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  
 Updated Transport Assessment May 2021

- 3 The materials used shall be as set out within the application form/plans hereby approved.
- 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.
- 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
- 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'.
- 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.
- 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.
- 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.
- 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.
- 11 The public's rights and ease of passage over public footpath no 1 (Maldon) shall be maintained free and unobstructed at all times.
- 12 Notwithstanding the details submitted (drawing number 16408-111 rev.I), the development hereby approved shall not be occupied until such time as vehicle parking has been provided in accordance with details which shall have been submitted to and gained the prior written consent of the local planning authority. The details shall accord with the adopted Maldon District Vehicle Parking Standards SPD (2018) and only include parking spaces measuring at least 2.9m in width x 5.5m in depth and at least one electric vehicle charging point for use by customers of the drive-through coffee shop. The approved area shall have 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.
- 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.
- 14 There shall be no discharge of surface water onto the Highway.
- 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.
- 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.
- 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.
- 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.
- 19 No additional floorspace shall be created within any of the units hereby permitted.
- 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.
- 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

#### **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.
6. The Council would encourage the use of fully recyclable tableware by the occupier of the approved drive-through coffee shop along with measures to maximise the opportunities for recycling of these products.

#### 6. 21/00646/FUL - BARN AT MALDON WYCKE, SPITAL ROAD, MALDON

<b>Application Number</b>	<b>21/00646/FUL</b>
<b>Location</b>	Barn at Maldon Wycke, Spital Road, Maldon
<b>Proposal</b>	Conversion of barn into one residential dwelling with alterations and a new car port.
<b>Applicant</b>	Darren Arnall – Punch Construction Ltd
<b>Agent</b>	Edward Morton – The Morton Partnership Ltd
<b>Target Decision Date</b>	10.09.2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON TOWN COUNCIL</b>
<b>Reason for Referral to the Committee / Council</b>	Not Delegated to Officers

In response to a query the Specialist: Development Management outlined the reason why this application had been brought to the Committee for consideration.

The Officer presented the report and highlighted that the related Listed Building application had been granted under delegated powers.

Councillor C Morris proposed that the Officers' recommendation be approved. This proposal was duly seconded and agreed.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 1609.sur03
  - 1609.sur04
  - 20951/01 Rev.A - SITE LOCATION PLAN
  - 20951/02 - SITE BLOCK PLAN
  - 20951/03 - EXISTING ELEVATIONS
  - 20951/04 - PROPOSED ELEVATIONS

- 20951/05 - PROPOSED FLOOR PLANS AND SECTIONS
  - 20951/06 existing floor joist removal for staircase
  - CR\_CRPS\_MB\_A - Details of conservation rooflights
  - 20951/C/10 cart lodge floor plans
  - 20951/C11 cart lodge elevations
  - 20851/C/01 Rev.B
  - Klargester BioDisc Domestic Sewage Treatment Plant brochure
  - Diagram 1 Drainage Field
  - Details previously approved under application reference 21/05083/DET.
- 3 Prior to their use on site, photographs of the roof tiles to be used for the cart lodge hereby permitted, and details of their source, shall be submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.
  - 4 The dwelling hereby permitted shall not be occupied until the proposed means of surface water and foul drainage has been provided. The development shall be retained in accordance with the approved details thereafter.
  - 5 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Bat Mitigation Plan (EECOS, March 2021).
  - 6 Prior to the occupation of the dwelling hereby approved, a Biodiversity Enhancement Layout, providing the finalised details and locations of enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
  - 7 Prior to the occupation of the dwelling hereby approved, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
  - 8 The public's rights and ease of passage over public footpath 2 (Maldon) shall be maintained free and unobstructed at all times.
  - 9 No fencing, walls, gates or other means of enclosure shall be erected within the site unless details have first been submitted to and gained the prior written approval of the local planning authority.

There being no other items of business the Chairman closed the meeting at 8.45 pm.

MRS J C STILTS  
CHAIRMAN