



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
7 JULY 2022**

Application Number	21/01177/FUL
Location	Kismet Kebabs Limited, Adjacent Milton House, Maldon Road, Latchingdon, Chelmsford, Essex, CM3 6LF
Proposal	S73A application for ancillary storage (building A), gym/workshop for the site owners (building B), detached factory building (building C), building for demonstrations (building D), single storey front and rear extensions to factory (building E), maintenance and storage building (building E2), covered storage area (building F), sales and staff office, containers for product storage, cladding to existing buildings, entrance gates and fencing, hardstanding for parking and turning, and associated plant and landscaping.
Applicant	Kismet Kebabs
Agent	Mrs Lisa Skinner - Phase 2 Planning
Target Decision Date	18.07.2022
Case Officer	Kathryn Mathews
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Major application due to the site area being over 1 hectare (ha). Member call-in – Councillor S White due to effect on the countryside, public interest, sustainability. Member call in – Councillor Fleming in consideration of the following policies as outlined in Purleigh Parish Council's responses: D1 Design Quality & Built Environment D2 Climate Change & Environmental Impact of New Development S1 Sustainable Development

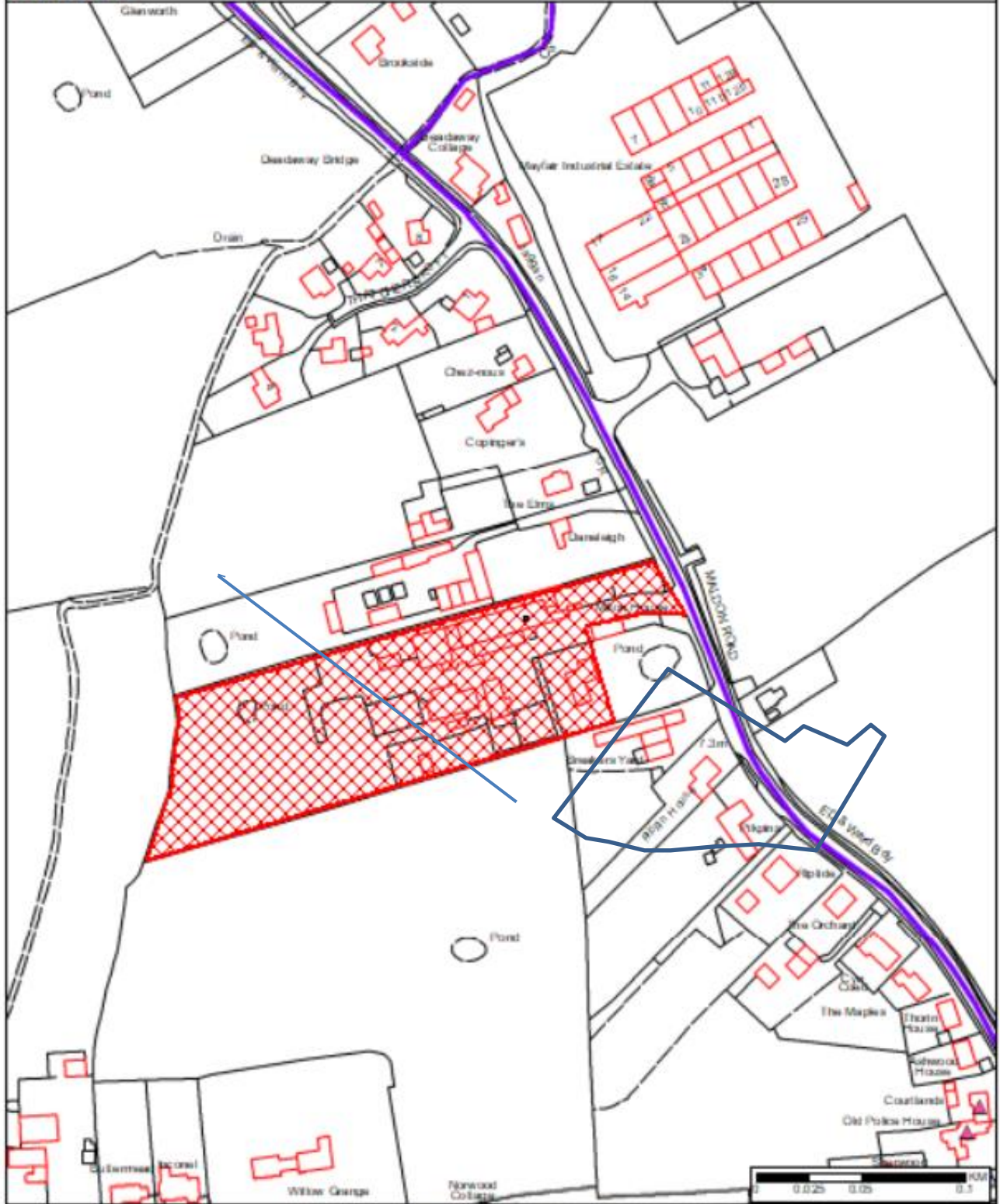
1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 8.

2. SITE MAP

Please see below.

Kismet Kebabs, adjacent Milton House, Maldon Road, Latchingdon
 21/01177/FUL



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 Maldon District Council 100018588 2014



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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NWArea Committee
Date:	22/06/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located to the west of Maldon Road outside the development boundaries of both Latchingdon and Purleigh. The site extends to 1.7ha. There is a breakers yard to the south, commercial and residential dwellings to the north (Daneleigh) and Milton House, adjacent to but beyond the south-eastern site boundary, which it is understood to be a House in Multiple Occupation (HMO). The application site measures around 67m in width x 248m in depth and is roughly rectangular in shape beyond the accessway located between Milton House (to the south) and Daneleigh (to the north). Mature planting exists around the site's perimeter.
- 3.1.2 The development the subject of this application has already been carried-out and, therefore the application is retrospective in nature. It is stated that the development was completed in May 2020.
- 3.1.3 Planning permission is sought for the following:
- **Ancillary storage accommodation (building A)**
This building measures a maximum of 20.7m x 14.3m with a flat roof 3.4m in height. It is understood to have replaced a former building. The building accommodates 180sq.m. of floorspace. The building is finished in dark timber cladding with UPVC windows and doors. It was stated that this building was used for overnight accommodation for Inspectors or occasionally a quarantine for staff self-isolating with Covid when the application was originally submitted but the use of the building has since been revised to be for storage purposes and includes a prayer room. This building is located to the south-west of Milton House.
 - **Gym/workshop for the site owners (building B)**
This single storey building is understood to have replaced an existing building. The building accommodates 105sq.m. of floorspace (split approximately equally between a gym and workshop) and is finished in dark timber cladding with a pitched tiled roof and white UPVC windows and doors. The L-shaped footprint of the building measures a maximum of 13.8m x 16.4m, 4.5m in width and 4m in height. This building is located south-west of and around 4m from building A.
 - **Detached factory building (building C)**
This single storey building accommodates 403sq.m. of floorspace, has a mono-pitched roof and is finished in green metal cladding. The main part of the building would measure 24.2m x 15.5m and a maximum of 4.3m in height. There would also be a lean-to element on the northern elevation. It is stated that approval for the building was given as part of 12/00863/FUL but in a different location; the building is now proposed more centrally within the site and further from the site boundaries (28m from southern site boundary).
 - **Building for demonstrations (building D)**
This single storey building accommodates 48sq.m. of floorspace, has a pitched tiled roof and is finished in dark timber cladding. The building measures 9.3m x 5.6m and 4.1m in height. It is stated that the building is set up for kitchen demonstrations of the company's products for sales purposes and is connected to the sales office by a footpath. To the rear of the building is an enclosed outdoor area with planting. The building is located 4.3m from the southern boundary of the site and is positioned to the south-west of the sales office and to the rear of building E2.

- Single storey front and rear extensions to factory (building E)**
 It is stated that these are similar to those approved as part of 12/00863/FUL. The extended building measures a maximum of 23m x 73.9m. The extensions have a mixture of mono-pitched and flat roofs. The front extension is to the southern elevation and measures 8.7m in depth (maximum), 45m in width and 4.1m in height, accommodating around 223sq.m. of floorspace. The rear extension measures 2m in width x 36m in length and 2.7m in height with a lean-to roof, accommodating 71.3sq.m. This would be in addition to the over 1000sq.m. of existing floorspace within the existing single storey building which is a maximum of 6m in height, has a mixture of pitched and flat roofs and is finished in green metal cladding. The retention of parts of the existing cladding to match the existing building forms part of the current proposal – a surface area of around 50sq.m. This building is understood to be the main factory area and is adjacent to the northern boundary of the site.
- Maintenance and storage building (building E2)**
 This single storey building accommodates 292sq.m. of floorspace, has a pitched roof and is finished in green metal cladding. The building measures a maximum of 24.7m x 13.5m and 4.6m in height and is positioned 27.9m from the southern boundary of the site.
- Covered storage area (building F)**
 This single storey structure accommodates 59sq.m. of floorspace and has a metal clad, mono-pitched roof which is 3m in height. The building measures 10.8m x 6m and is located 11m from the northern site boundary and to the west of the main factory building (building E).
- Sales and staff office**
 This single storey structure accommodates 132sq.m. of floorspace and has a pitched tiled roof. It is understood that this building is used as a general office with meeting areas and is stated as being similar to that approved as part of 12/00863/FUL. The building is 4.3m in height and measures 8m x 18m plus a porch on the eastern elevation. The building is 19.6m from the southern boundary of the site.
- Containers for product storage**
 These are a mixture of refrigerated and non-refrigerated containers which are used for storage of dry and frozen goods within an area measuring 27m x 11.2m to the west of building F.
- Entrance gates and fencing**
 Metal palisade fencing and gates, 2.1m in height, at the front of the site and along part of the internal access road are proposed which have a total length of around 28m. It is stated that the fencing clearly delineates the access road and provides security.
- The proposal also includes hard and soft landscaping including car parking for the sales office, footpaths and hardstanding for parking and storage to the rear/western side of the site. New hardstanding proposed to the west of the buildings extends around 950sq.m. Planning permission is also sought for a generator situated on a hard surfaced area to the rear of building F and a 2000 litre gas tank which measures 3m x 1.5m on an existing area of hardstanding to the rear of building C.
- In terms of landscaping proposed, photographs of the existing landscaping has been provided. The landscaping is to the site frontage, between buildings C and E2 and adjacent to the southern boundary of the site around building D and between this building and the sales office building.

- 3.1.4 Based on the drawings submitted, a total of 1,513sq.m. of additional floorspace is proposed. The existing and proposed development is considered to fall within Class B2 (General Industrial) use i.e., industrial processes other than those falling within Class E(g).
- 3.1.5 The existing means of access to the site from Maldon Road would remain unchanged. It is stated that deliveries occur between 7am to 5pm Monday to Friday and that there has been no increase in vehicle movements as a result of the development which continue to be twice daily pick-ups. The vehicles used include articulated and 7.5 tonne lorries, small vans for deliveries and 40ft reefer containers (26 tonne).
- 3.1.6 The operating hours proposed are 06:30 to 23:00 Monday to Friday.
- 3.1.7 The application is accompanied by the following supporting documents:
- Planning Statement;
 - Noise Impact Assessment Report for Commercial Fixed Plant (September 2021) revised 21 March 2022;
 - Addendham Noise Impact Assessment Letter for Proposed Plant Serving Unit 2 (December 2021);
 - Flood Risk Assessment (May 2022);
 - Sustainable Drainage Systems (SUDS) Checklist December 2021.
- 3.1.8 As part of the planning statement submitted the agent advises that the application has been submitted following investigations by planning enforcement around the end of 2020. As a result of these investigations, the applicant was advised that planning permission 12/00863/FUL had lapsed as pre-commencement conditions had not been complied with. It is stated that some of the buildings and works proposed as part of the current application were approved as part of this previous planning permission. The planning breaches which were identified were as follows: fencing around the car park, the main gates, installation of air conditioning units, front and rear extensions to one of the buildings, a sales office, new hardstanding, storage containers, a generator and use of outbuildings for residential purposes. A Noise Abatement Notice and Planning Contravention Notice (PCN) have been served.

3.2 Conclusion

- 3.2.1 The proposal is considered to be acceptable in principle and would not cause harm to the character or appearance of the area. In addition, the development would not cause harm to the amenity of existing residents and is acceptable in relation to its impact on highway safety / access / parking and flood risk / drainage. Based on the assessment of the proposal, it is, therefore, recommended that planning permission is granted subject to all interested parties first entering into a Section 106 Agreement to secure a travel plan monitoring fee as required by Essex County Council (ECC) Highways and conditions, as set out below.

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
- 174-188 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S2 Strategic Growth
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- E1 Employment
- E4 Agricultural and Rural Diversification?
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Vehicle Parking Standards Supplementary Planning Document (SPD) (VPS)
- Maldon District Design Guide SPD including Planning and Noise Technical Document (February 2017).

5. MAIN CONSIDERATIONS

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of development, the impact of the proposal on the character and appearance of the area, the impact on the amenity of existing residents and highway safety / access / parking. Issues relating to flooding / drainage and contamination also require consideration.

5.2 Principle of Development

- 5.2.1 The NPPF is clear that sustainable development is at the heart of the planning system. The Framework's definition of sustainable development has three interdependent objectives, and which need to be balanced. These are the economic, social and environmental objectives. This requirement is carried through to local policies via Policy S1 of the approved Local Development Plan (LDP) which emphasises the need for sustainable development.
- 5.2.2 Policies S1, S2 and S8 of the approved LDP seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources, and ecological value as well as its intrinsic character and beauty.
- 5.2.3 The application site is within the rural area, beyond the settlement boundaries for Latchingdon and Purleigh.
- 5.2.4 With respect to sustainable development, one of the key principles to be applied, as set out in Policy S1, is to ensure a healthy and competitive local economy by providing sufficient space, flexibility, and training opportunities for both existing and potential businesses in line with the needs and aspirations of the District. Policy E1 states that the Council will encourage employment generating development and investment in the District to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS).
- 5.2.5 Therefore, proposals to develop existing employment sites will 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.
- 5.2.6 As part of the Planning Statement submitted, the following information is provided:
- This is a family run business, and the site was purchased in 2007.
 - Products include a variety of meat products, breads and sauces – serving over 60 customers worldwide.
 - The business is one of the few producers of kebabs in UK for the Muslim community (halal).
 - The business owns their own refrigerated vehicles.
 - The business currently employs 57 staff.
 - The need for on-site storage has increased during the pandemic as bulk buys have needed to be made due to supply chain and delivery issues.
 - The business was awarded UK Kebab supplier of the year 2021.
- 5.2.7 Whilst the proposed gym/workshop (building B) would be for use by the site owners and so not directly related to the operation of the business at the site, these facilities are proposed as ancillary and complementary in relation to the business and, given the limited size of this building, no objections are raised, subject to the imposition of a condition requiring the continuation of the ancillary use of this building.
- 5.2.8 Based on the above, as the proposal is to support an existing business, no objection is raised to the principle of the proposal, subject to an assessment of the proposal in relation to all other material planning considerations below.

5.3 Design and Impact on the Character of the Area

5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

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

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

5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- 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 Maldon District Design Guide (MDDG) (2017).

5.3.5 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.

5.3.6 The extent of the development proposed is significant and relates to a substantial increase in the total floorspace of buildings on the site. However, the quantum of development would be comparable to that granted planning permission in 2013 (12/00863/FUL) and the buildings would be within a relatively compact layout towards the eastern boundary of the site and so would not encroach significantly into

the site's rural surroundings. It is considered that this would not change as a result of the proposed introduction of a HGV turning area, an attenuation pond and septic tanks within the western part of the site. In addition, the site benefits from existing boundary screen planting along the majority of all of the boundaries and the buildings would be single storey and no greater in height than the main factory building i.e. less than 6m. The design of the buildings would also not be inappropriate given their proposed uses and the external materials proposed (metal and timber cladding) to the buildings would not be out-of-keeping with the site's context.

- 5.3.7 Based on the above, it is considered that the development has not caused unacceptable harm to the character or appearance of the area, in compliance with Policies S1, S8 and 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 One of the requirements of Policy D2 is to minimise all forms of possible pollution including air, land, water, odour, noise and light. The Policy states that any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.

- 5.4.3 Noise is considered in the NPPF which states (in paragraph 185) that:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- *mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.*

- 5.4.4 The current application has been submitted with the intention of regularising the current breaches of planning control but also in response to comply with a Noise Abatement Notice served by the Council in March 2021.

- 5.4.5 There are neighbouring residential properties which abut the application site; Daneleigh (house and garden) is adjacent to the northern boundary of the site and Milton House to the south of the site's access from Maldon Road as well as other residential properties in close proximity to the site such as Thatchers Croft (around 130m to the north).

- 5.4.6 As part of the planning statement and submitted the following information is provided:

- The business operates between 06:30am and 5.30pm (following which cleaning is carried-out until 11pm) Monday to Friday with occasional use on Saturdays.
- All goods go into blast freezers on site for 2-5 days until being dispatched.
- There are three refrigerated holding areas for meats to be tampered down to the correct temperature or to be held on the morning of collection.

- Dry goods are stored in non-refrigerated containers.
 - An upgrade to the power supply for the site (including a new sub-station) by UK Power Networks was awaited at the time the application was submitted, which required the use of a back-up generator to ensure a constant power supply. However, it is understood that the upgrade has now been completed and the generator will have been 'completely turned off' by now.
- 5.4.7 A Noise Impact Assessment Report was submitted as part of the application, which has been revised in response to comments made by the external consultant employed by the Council's Environmental Health Specialist.
- 5.4.8 The Assessment states that existing plant noise levels have been assessed and a noise survey and assessment has been completed to determine the noise impact from the existing industrial site on the neighbouring residents. The Assessment has been made on the basis that the operating hours of the commercial premises being as follows:
- Monday to Friday – in production 06:30 to 17:00 and cleaning 17:30 to 23:00
 - Saturdays and Bank Holidays – as above, when production is needed.
- 5.4.9 However, the hours of operation proposed (according to the application form submitted) are 06:30 to 23:00 Monday to Friday only. The operating hours approved as part of previous planning permission reference 12/00863/FUL were as follows:
- The extensions hereby approved shall operate within the same hours of use as the main building in that " No machinery shall be operated and industrial processes shall be carried out on the premises any time on Sundays or Bank Holidays, and subject to that absolute prohibition in respect of Sundays and Bank Holidays, no machinery shall be operated and no industrial processes carried out on the premises except between the hours of 8am and 12 noon on Saturdays or between the hours of 8am and 6pm on other weekdays" with the exception of one hour in the morning solely for food preparation and two hours in the evening solely for food preparation and washing down cleaning arrangements.*
- 5.4.10 It is stated that the development has been assessed against Maldon District Council's noise criteria i.e. the rating noise level from the commercial plant should be at least equal to or below the average external background noise level at the nearest noise-sensitive properties. Eight plant areas are identified as part of the Assessment Report – five along the northern side of the site (Area A, Area B, Area E, Area F and Area G), and three to the southern side (Area C, Area D and Area H). Details of these Areas is provided below.
- 5.4.11 As part of the Assessment Report, the existing daytime rating noise level, within the neighbouring house and garden, has been measured as being between 13-19 decibels above the daytime noise rating limit of 38dB LAeq which, under the relevant British Standard, 'is likely to be an indication of an adverse impact'.
- 5.4.12 The existing night time rating noise level, within the neighbouring house, has been measured as being between 20-26 decibels above the night-time noise rating limit of 28dB LAeq which, under the relevant British Standard, 'is likely to be an indication of an adverse impact'.
- 5.4.13 On the basis of the above, the Assessment Report concludes that noise control measures are necessary. Mitigation measures in relation to noise, vibration and odour are set out as part of the Report. Details of the mitigation measures proposed for each Area is set out below.

Noise Control

5.4.14 The noise control measures include interim short-term measures and long-term measures. With these measures in place, the Assessment Report concludes that the daytime rating noise level would be between 0 and 5 decibels below the limit referred to above and that the night-time noise level would be between 0 and 3 decibels below the limit referred to above which, under the relevant British Standard, are both an 'indication of the specific sound source having a low impact'.

Odour Control

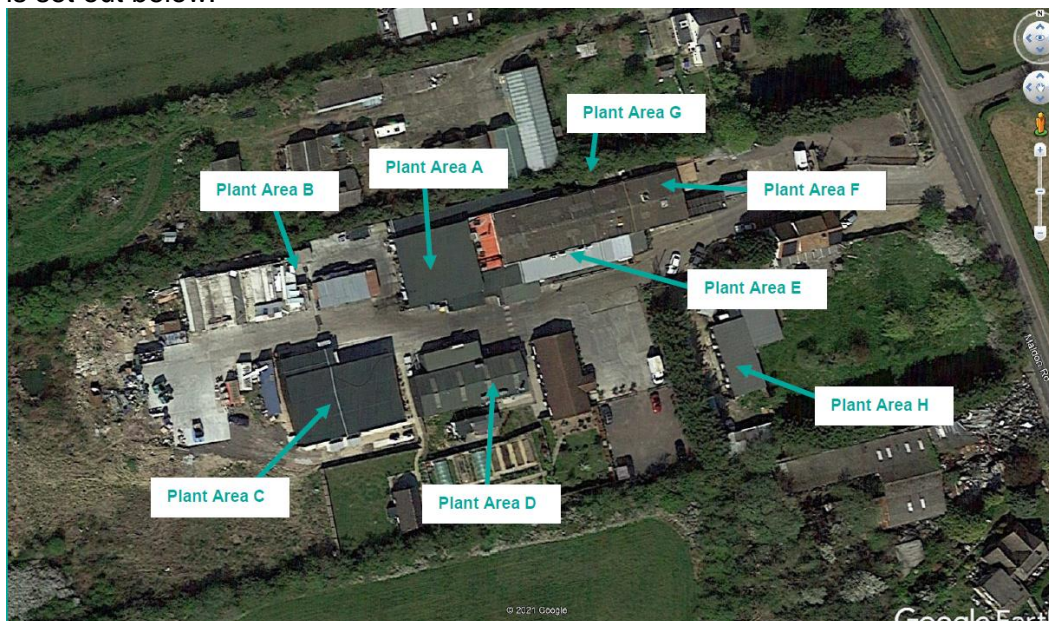
5.4.15 As part of the Assessment Report, it is recommended that odour control equipment is applied to six extraction units (Extraction Units D1-D5 and Unit G1) to separate the solid and liquid particles from the ventilation air whilst eliminating excessive quantities of odour.

Other Mitigation Measures

5.4.16 Other mitigation measures are recommended in relation to preventing vibration from plant as well as securing a long-term maintenance agreement (to ensure and futureproof noise control at the site) and Best Practical Means (BPM) for reducing noise where practicable. The latter could include the following measures: keeping roller shutter doors closed during operating hours; using white noise reversing alarms to forklift trucks; carry-out a noise at work assessment for employees; shutting down plant and equipment when not in use; maintaining plant and equipment; locating moveable and fixed equipment as far as reasonably practicable away from adjacent residents or as close as possible to acoustic screening/enclosures; all personnel reducing noise; staggering of noisy activities whenever possible; and vehicles not waiting/queuing on the road with engines running if possible.

5.4.17 The applicant's agent has advised that the short term mitigation works could be completed within four weeks and the longer term mitigation works completed within 8 months (at the latest) of planning permission being granted.

5.4.18 Details of the Areas assessed, and the mitigation measures proposed for each Area is set out below:



Northern Side

- 5.4.19 **Area A** – larger chiller enclosure – accommodates five outdoor refrigeration units (used 24 hours a day), three outdoor chillers (used 24 hours a day), one Air Conditioning (AC) unit and three large plate fans (used during operating hours).
- 5.4.20 Short term mitigation recommended: fit acoustic backing to three large plate fans (A1-A3) and only one fan being in use at any one time.
- 5.4.21 Long term mitigation recommended: add metal cladding to southern wall of large chiller enclosure; add acoustic louvre and metal cladding to western wall of large chiller enclosure; add acoustic door to southern or western wall façade; replace three extraction units (A1 -A3) and house them inside Area A with ductwork terminating to the west façade with sound attenuation and silencers; move refrigeration units A4-A5 and AC Unit A1 to purpose-built enclosure building.
- 5.4.22 **Area B** – accommodates 7no. blast freezer containers (each with AC unit used 24 hours a day for chilling), diesel generator set (used during operating hours) and a canteen AC unit (used 24 hours for chilling).
- 5.4.23 Short term mitigation recommended: install acoustic enclosure for generator set B1 [However, the agent has since advised that the generator is no longer required following an upgrade to the site's electricity supply].
- 5.4.24 Long term mitigation recommended: replace five blast freezer container AC units B1-B4 and B7 and install acoustic enclosures to AC units B1-B7.
- 5.4.25 **Area E** – is the south façade of main factory building and accommodates four AC units (used 24 hours a day for chilling), one ice machine (used intermittently 24 hours a day) and one ventilation extraction unit (used 24 hours a day for chilling).
- 5.4.26 Short term mitigation recommended: close opening in factory wall for ice machine; in relation to extraction unit E1, install new axial flow fan extraction equipment (with ductwork to terminate at roof level of Area E), silencer and sound attenuation.
- 5.4.27 Long term mitigation recommended: install acoustic enclosure to AC units E1, E3 and E4 with anti-vibration mounts.
- 5.4.28 **Area F** – is the roof and east façade of main factory building and accommodates three AC units (used 24 hours a day for chilling – two in roof; one on east facade).
- 5.4.29 Short term mitigation recommended: for AC Units F1 and F2 inside roof void, install fan ductwork to terminate at roof level of Plant Area E, silencer, and sound attenuation.
- 5.4.30 Long term mitigation recommended: install a louvred acoustic enclosure to AC unit F3 or move AC unit to a purpose-built enclosure building.
- 5.4.31 **Area G** – is the north façade of main factory building and accommodates one compressor unit and one ventilation extraction unit (both used during operating hours).
- 5.4.32 Short term mitigation recommended: in relation to extraction unit G1, install silencer, sound attenuation and odour control unit system and/or one Electrostatic Precipitator system to extraction unit ductwork.

Southern Side

- 5.4.33 **Area C** – is the industrial unit to the west of the site and accommodates three refrigeration units (used 24 hours a day for chilling).
- 5.4.34 No short term mitigation recommended.
- 5.4.35 Long term mitigation recommended: install acoustic enclosure to refrigeration units C1 and C2.
- 5.4.36 **Area D** – is the central industrial unit and office and accommodates 5no. AC units (office AC used during operating hours; other 4no. AC units used 24 hours for chilling), one refrigeration unit (used 24 hours for chilling), four ventilation extraction units (on roof used during operating hours) and one sewage treatment compressor (used 24 hours for chilling).
- 5.4.37 Short term mitigation recommended: install silencers to extractor units D1-D4 and AC units D1-D4 (four of these extractor units are due to be replaced with five units in the short-term and the four AC units are due to be added in the short-term), install an odour control unit system and/or an Electrostatic Precipitator system to the extraction units.
- 5.4.38 Long term mitigation recommended: in relation to refrigeration unit D1 and AC unit D1, install louvred acoustic enclosure or move to a purpose-built enclosure building; install acoustic enclosure to compressor unit D1.
- 5.4.39 **Area H** – is an outbuilding and accommodates two AC units (used during operating hours). No mitigation measures are proposed.
- 5.4.40 In response to the most recent Noise Impact Assessment Report submitted, the Specialist – Environmental Health has advised Oakridge Environmental Services Limited has been appointed to consider potential noise impacts to existing noise sensitive dwellings. The consultants note that the noise emitting plant and operating odours are already in operation and their comments take into account the site history, the NPPF and NPPG.

Noise

- 5.4.41 The background noise levels used are deemed reasonable and representative of the low background levels in a predominantly rural area near busy local single lane roads. Background readings are established for daytime hours between 07:00 and 23:00 hours and night-time 23:00 to 07:00 hours.
- 5.4.42 The current unmitigated noise was established with attended measurement by Climate Acoustics in May and June 2021. The current noise levels are, using the terminology in the NPPG, considered to cause a Significant Observable Adverse Effect i.e. the noise is perceived as 'Noticeable and disruptive' and has the potential to cause a material change in behaviour and/or attitude, e.g. avoiding certain activities during periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.
- 5.4.43 Post-mitigation, noise levels would have a low impact and would be at a No Observable Adverse Effect Level, using the terminology of the NPPG, i.e. the noise

would have 'Noticeable and not intrusive' i.e. the noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.

5.4.44 A long-term maintenance plan and requirement for BPM procedures on site will give some confidence to Maldon District Council that once the mitigation has been completed the equipment and enclosures remain in good working order to prevent noise increasing over time and potentially causing statutory nuisance again.

5.4.45 As the equipment is already operating and subject to a Noise Abatement Notice, it is recommended that validation testing is carried out once all works are completed to establish that the reduction in noise levels has been achieved.

5.4.46 Odour

5.4.47 Odour control has been recommended for six extraction units (units D1 to D5 and G1) which should be required to be installed by planning condition should permission be granted.

5.4.48 In conclusion, the Specialist – Environmental Health advises that without the mitigation proposed, the development would have an unacceptable, adverse impact on sensitive noise receptors but raises no objection provided that the mitigation measures proposed are implemented as they will ensure that noise, whilst audible, would have No observable Adverse Effect on the average person and ensure that the Noise Abatement Notice is complied with. Conditions relating to all the measures required to ensure the development does not have an adverse impact on the amenity of existing residential occupiers, including from odour, are recommended which can be summarised as follows:

- requiring the installation of all noise mitigation measures set out in the submitted Noise Impact Assessment Report and a date by which the mitigation measures are to be installed.
- Details of suitable and sufficient odour control systems to be installed to extraction system D1, D2, D3, D4 and D5 and extraction system G1 including a date by which the agreed odour control systems are to be fitted and operational.
- No means of external illumination of the site unless otherwise agreed in writing by the Local Planning Authority (LPA).
- No burning of waste on site at any time.
- A long-term maintenance plan not later than 6 months after planning permission is granted.
- Written procedures detailing the methods of implementing measures to ensure BPM for the control of noise and odour are carried out on site not later than 6 months after planning permission is granted.

5.4.49 Based on the above, it is considered that the proposal is unlikely to result in any material harm to residential amenity of neighbouring occupiers by reason of increased noise, smell or pollution, subject to the imposition of conditions. It is noted that no objections to the hours of use proposed have been raised by the Specialist – Environmental Health and the Noise Impact Assessment Report was based on extended operating and cleaning hours. However, the operating hours permitted as part of the previous planning permission (reference 12/00863/FUL) were 8am and 12 noon on Saturdays and between the hours of 8am and 6pm on other weekdays plus one hour in the morning solely for food preparation and two hours in the evening solely for food preparation and washing down cleaning arrangements. The operating

hours currently proposed would extend these hours to 06:30am – 17:30pm followed by cleaning until 23:00pm Mondays to Fridays although no operations are proposed on Saturdays, Sundays or Public Holidays. It is considered that the information submitted as part of the application does not justify a period of five and half hours each day for cleaning and, therefore, it is recommended below that only two hours for cleaning is permitted as was the case as part of the previous planning permission reference 12/00863/FUL.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to include 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 to 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.
- 5.5.3 As part of the planning statement submitted the following information is provided:
- The main parking areas for staff and visitors are located to the northern boundary within the fenced secured area and to the east and southeast of the sales office.
 - The rear hard surfaced area to the west provides additional parking and turning for vehicles and lorries if required.
- 5.5.4 With respect to car parking provision, it has been calculated that around 1,513sq.m. of additional Class B2 floorspace is proposed.
- 5.5.5 For Class B2 uses, the Council's adopted VPS requires the provision of at least one car parking space per 50sq.m. as well as cycle parking at a rate of 1 per 100sq.m. for staff and 1 per 400sq.m. for visitors.
- 5.5.6 The floorspace of the factory building which existed at the site at the time of the previous planning application in 2012 appears to have extended to around 1040sq.m. but, based on the planning application form submitted at that time, there were only 12 car parking spaces and four cycle parking spaces at the site. The additional floorspace proposed would require the provision of an extra 31 parking spaces (a total of 43 spaces) and 20 cycle parking spaces.
- 5.5.7 It is not clear from the proposed layout submitted how many car parking spaces the areas of car parking identified (to the front of the site and in front of the office building) could accommodate and no cycle parking spaces (existing or proposed) are included on the submitted drawings. Further information regarding parking has been requested from the applicant. The provision of electric car charging points could be required by condition if planning permission were to be granted.
- 5.5.8 ECC Highways has initially objected to the proposal on the basis of lack of information regarding provision for lorries to enter and leave the site in forward gear. However, following the receipt of further / revised information, this issue has been overcome and ECC Highways now raises no objections subject to the imposition of conditions requiring a Construction Management Plan, the positioning of the front boundary gates adjacent to Maldon Road carriageway and grassed verge clear of the

highway boundary as shown, the provision of cycle parking, the provision of the proposed vehicular turning facility and a workplace travel plan. They also advise that a travel plan monitoring fee of £6,132 is required which would need to be secured through a Section 106 Agreement if the LPA was minded to grant planning permission for the development proposed. The applicant has advised that they would be willing to enter into a Section 106 Agreement to secure the payment of the monitoring fee requested by ECC Highways, but they have queried the need for a workplace travel plan and monitoring fee as the use is already operational and, in their view, relates to a 'limited degree of floor area and predominantly storage' and that this 'request does not appear proportionate as this is an existing use'. The applicant has sent this query direct to ECC Highways, but no response had been received at the time of writing this report. However, the fact that the application is retrospective is not relevant to the need for a workplace travel plan and the amount of additional floorspace proposed (at over 1,500sq.m.) is not considered to be 'limited' as the amount of floorspace at the site has more than doubled. With respect to the other conditions recommended, it is agreed that the requirement for a Construction Management Plan and the positioning of the front boundary gates are not necessary as the development has already been carried-out. However, conditions relating to the provision of cycle storage within a specified period (the applicant has suggested within 6 months of any planning permission granted) and the vehicle turning facility for HGVs proposed (the applicant has suggested within 3 months of any planning permission granted) would be necessary and could be imposed if planning permission were to be granted. The time periods suggested by the applicant i.e. within 3 or 6 months, respectively, of any planning permission being granted, are considered to be reasonable.

- 5.5.9 Based on the above, no objections to the proposal are raised in relation to highway safety, access, or parking provision subject to the submission of details which demonstrate that an adequate provision of off-street parking for cars and bicycles would be made.

5.6 Flooding and Drainage

- 5.6.1 The site is located within Flood Zone 1 (low risk).
- 5.6.2 Policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. The Policy also requires that all development must not increase flood risk (including fluvial, surface and coastal) on site and elsewhere.
- 5.6.3 A Flood Risk Assessment (FRA) has been submitted with the application which includes an assessment of surface water and foul drainage. It is stated that surface water run off would simulate greenfield rates into the existing water course and that foul drainage would be contained on site and privately managed (septic tank).
- 5.6.4 The Flood Risk Assessment identifies that there is an existing ditch to the west which flows to the north-east before discharging into the Mundon Creek (2.5km) and River Blackwater (5.2km). The following information is also provided as part of the FRA:
- There is an existing onsite Klargest treatment system which discharges, uncontrolled, off-site.
 - It is assumed that surface water run-off flows discharge into the existing ditch network to the west.
 - The development will be safe in times of flooding and can provide a drainage strategy to manage any residual flood risk onsite whilst not impacting upon third parties.

- The drainage system is designed to achieve a greenfield discharge rate from the development.
- A petrol interceptor will be applied to all flows prior to discharge into the SuDs attenuation system proposed (an open pond indicated as measuring 50sq.m. at its base, a maximum of 3.9m in depth with 1 in 3 internal slopes) the discharge from which would be by controlled pumping into the existing watercourse ditch.
- All commercial foul waste would be collected and contained within the site within a septic tanked system (with a storage capacity of 80.4cu.m) and disposed of off-site via tanker (to be emptied every two days).

5.6.5 The Environment Agency has not commented on the current application, but the revised FRA submitted has overcome the holding objection which was initially raised by the ECC SuDS Team.

5.6.6 Anglian Water Services advise that surface water and foul drainage details are required by condition. However, the ECC SuDS Team is now satisfied with the surface water drainage system proposed. Therefore, the imposition of a condition requiring details of surface water drainage is not considered to be necessary particularly as the use of the sewer is not proposed. With respect to foul drainage, Anglian Water Services has advised that the foul drainage from this development is in the catchment of Latchingdon Water Recycling Centre which, whilst it does not currently have capacity to treat the flows from the development site, they are obligated to accept the foul flows from development with planning permission. Therefore, if planning permission were to be granted, they would take the necessary steps to ensure that there is sufficient treatment capacity. However, it is proposed that all commercial foul waste would be collected and contained within the site within a septic tanked system (with a storage capacity of 80.4cu.m) and disposed of off-site via tanker (to be emptied every two days). With respect to the Used Water Network, Anglian Water advises that the sewerage system at present has available capacity for these flows via a gravity conveyance to the public foul sewer. Therefore, it is considered that the imposition of a condition requiring details of foul drainage is also not necessary particularly as the use of the sewer is not proposed.

5.6.7 Based on the above assessment, the information submitted as part of the application and the consultation responses received, it is considered that the development is acceptable from flood risk and drainage perspectives, subject to the imposition of conditions requiring that the proposed drainage scheme is implemented, if planning permission were to be granted.

5.7 Other matters

5.7.1 Contaminated Land – the Specialist – Environmental Health has not raised any concerns in relation to contaminated land. Therefore, it is considered that the development raises no adverse issues in relation to this matter (Policy D2).

5.7.2 Nature Conservation – Natural England raise no objections to the proposal and ECC Ecology recommend that ecological enhancement measures are required. If planning permission were granted, a condition requiring details of ecological enhancements could be imposed (Policy N2).

6. ANY RELEVANT SITE HISTORY

- **15/00864/FUL** – proposed accommodation block Refused 22.12.2015 Appeal dismissed 01.12.2016 due to concerns regarding the harm to the living

conditions of future occupiers, with particular regard to noise, contamination and lack of private external amenity space.

- **12/00863/FUL** - Proposed single storey extensions to front and rear of factory to provide dry and freezer storage provision together with new staff office and rest area and new detached offices and store/maintenance building over a period of phased construction. Temporary consent is sought for the retention of all existing external container/freezer units and dry storage units and associated bunding during the period of construction and temporary canteen container and retention of existing entrance gates and fencing. Approved 21.01.2013.
- **11/00540/FUL** - Single storey extensions to provide dry storage and freezer provision together with staff accommodation, including new detached offices and removal of temporary storage containers. Refused 08.11.2011.
- **10/00231/FUL** – Retention of 6 freezer units with acoustic barriers, canopy, canteen and smoking area. Approved 04.08.2010.
- **09/00885/FUL** – Five year’s temporary permission for retention of relocated freezer units (renewal of planning permission FUL/MAL/08/01249). Withdrawn.
- **09/00735/FUL** – Temporary permission for dry store container for 6 months. Approved 03.11.2009.
- **09/00072/FUL** – Change of use from manufacture of sheds and fencing to parking, breaking and repairing of cars. Refused 27.03.2009.
- **08/01369/FUL** – Retention of freezer units (Renewal of planning permission FUL/07/00970) Approved 12.02.2009.
- **08/01249/FUL** - Retention of 2 freezer units. Approved 12.02.2009.
- **08/00430/FUL** - Variation to condition 4 imposed upon planning permission MAL/598/84 relating to hours of operation to allow extension of 1 hour in the morning and 2 hours in the evening for washing down and cleaning purposes. Approved 21.05.2008.
- **07/01366/FUL** Variation to Condition 4 imposed upon planning permission MAL/598/84 dated 11 April 1985, to allow extension of one hour in the morning for food preparation and 3 hours in the evening for food preparation and washing down. Refused 06.02.2008.
- **07/00970/FUL** retention of 6 no. freezer units with associated substation Approved 05.12.2007 for temporary period until 31.12.2008.
- **07/00969/FUL** Variation to Condition 4 imposed upon planning permission MAL/598/84 dated 11 April 1985, to allow extension of one hour in the morning for food preparation and four hours in the evening for washing down procedures. Refused 21.11.2007.
- **07/00964/FUL** - Retention of canopy and canteen facility. Approved 23.10.2007.
- **07/00758/FUL** - Continued use of site for the manufacture of sheds and fencing. Approved 22.08.2007.
- **00/00707/LDE** – continued operation of the processing of and sale of red and poultry meat in breach of condition 15 of planning consent MAL/598/84 – Issued [related to most of main factory building E].
- **97/00093/FUL** – variation of condition 15 of MAL/598/84 to allow bulk meat sales on Saturdays 08:00am and 4:00pm. Approved 11.03.97.

- **MAL/598/84** – proposed change of use to existing premises for production of pet food and processing of meat products for human consumption. Approved 11.04.1985.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	<p>First response: Recommends refusal for the following reasons:</p> <ul style="list-style-type: none"> • highway safety concerns: access to the site is inappropriate for Heavy Goods Vehicles as there is insufficient room for articulated lorries to turn around within it • details of foul and surface water drainage have not been provided despite the application being largely retrospective • application has not shown to the Parish Council's satisfaction that the noise arising from this intensified use of the site will be adequately mitigated and not cause significant and unacceptable harm to the amenities and quality of life of neighbouring residents. <p>Second response following re-consultation:</p> <ul style="list-style-type: none"> • will be detrimental to the amenities and quality of life of nearby residents by virtue of noise and smell – the requirements of previously imposed conditions (FUL/MAL/12/00863) have not been met. • sufficient details about flood risk mitigation, drainage and foul and surface water disposal have not been provided despite the application being largely retrospective. 	Noted – refer to sections 5.4, 5.5 and 5.6 of report.

Name of Parish / Town Council	Comment	Officer Response
	<ul style="list-style-type: none"> the harm caused to the occupants of nearby residential properties by the proposed intensified use of this site will not be adequately mitigated. 	
Latchingdon Parish Council	Objects – access to the site or the ability of HGV to manoeuvre is not adequate to protect other highway users. They also question the need for premises for Inspectors.	Noted – refer to section 5.5 of report. The accommodation for Inspectors is no longer proposed as part of the application.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC SuDS Team	No objection. Initial holding objection overcome following the submission of additional information.	Noted – refer to section 5.6 of report.
ECC Highways	Initially objected as the proposal did not provide a dedicated turning facility for heavy goods vehicles (HGVs). Following the submission of additional/revised information, no objection raised subject to the imposition of conditions requiring a Construction Management Plan, the positioning of the front boundary gates adjacent to Maldon Road carriageway and grassed verge clear of the highway boundary as shown, the provision of cycle parking, the provision of the proposed vehicular turning facility and a workplace travel plan with a monitoring fee of £6,132.	Noted – refer to section 5.5 of report.
Anglian Water Services	Recommends an informative be added as there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary. Recommends the imposition of conditions requiring surface water and foul drainage details.	Noted – refer to section 5.6 of report.
Essex and Suffolk Water	No response.	

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	No objection - based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted – refer to section 5.7 of report.
Environment Agency	No response.	Refer to section 5.6 of report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections subject to the imposition of conditions.	Noted – refer to section 5.4 of report.
Strategy Team	Supports proposal as, whilst not an allocated site under Policy E1 of the LDP, the development is investment into a successful and established local business that provides a significant amount of employment in the area.	Noted.
ECC Ecology	No specific comments to make but recommends the application should secure measurable net gains for biodiversity, via a biodiversity enhancement layout or relevant condition.	Noted – refer to section 5.7 of report.

7.4 Representations received from Interested Parties

- 7.4.1 One letter of objection has been received to the application, raising the following matters:

Objection Comment	Officer Response
Already affected by the noise from the generators and refrigerator lorries coming and going.	Noted – refer to section 5.4 of report.
Smell from the spice room affects them in garden and in home	Noted – refer to section 5.4 of report.
Extending hours would impact on them greatly – if they were to stay open late into the night their sleep would most definitely be affected	Noted – refer to section 5.4 of report.
Noise from generators prevents them from opening windows during the night which is very difficult during the summer	Noted – refer to section 5.4 of report.

8. PROPOSED CONDITIONS INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- Travel Plan monitoring fee £6,132

PROPOSED CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
0984-02 rev.A
0984-03 revA
0984-04 revA
0984-05 revA
0984-06 revA
0984-07 revB
0984-08 rev A
0984-10
Noise Impact Assessment Report for Commercial Fixed Plant (21 March 2022)
Addendham Noise Impact Assessment Letter for Proposed Plant Serving Unit 2 (December 2021).
Flood Risk Assessment (May 2022)
SUDS Checklist December 2021
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. No external plant and machinery shall be installed at the site unless details have been submitted to and approved in writing by the Local Planning Authority prior to their installation. The plant and machinery shall be installed and operated in accordance with the approved details and retained as such in perpetuity. Any measures required by the local planning authority to reduce noise and/or odour from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
REASON: In the interests of the amenity of local residents, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan and the NPPF.
3. No external illumination of the site shall be provided unless details, including the luminance and spread of light and the design and specification of the light fittings, have been submitted to and approved in writing by the Local Planning Authority. All illumination within the site shall be retained in accordance with the approved details thereafter.
REASON: In the interests of the amenity of local residents, in accordance with Policies D1 and D2 of the Maldon District Approved Local Development Plan and the NPPF.
4. Within 6 months of the date of this planning permission, provision shall be made for the storage of bicycles within the site in accordance with details which shall have been submitted to and gained the prior written approval of the Local Planning Authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction, and retained thereafter.
REASON: To promote the use of sustainable means of transport in accordance with Policies D1 and T2 of the Maldon District Approved Local Development Plan and the NPPF.
5. Within 3 months of the date of this planning permission, the vehicular turning facility as shown on drawing no.ATR001 shall be constructed, surfaced and

maintained as such, and free from obstruction at all times thereafter to enable uninhibited vehicular manoeuvring.

REASON: To ensure that large vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with Policy T2 of the approved Maldon District Local Development Plan.

6. Within 1 month of the date of this planning permission, details of the layout of the parking areas shall be submitted to and approved in writing by the local planning authority. The details shall include the provision of parking for cars and bicycles and the provision of electric car charging points in accordance with Maldon District Council's Vehicle Parking Standards (2018). The parking areas shall be provided in accordance with the approved details within 3 months of the details having been approved and thereafter maintained free from obstruction and available for their intended use in perpetuity.

REASON: To ensure adequate provision for parking is provided within the site to avoid the need for on-street parking in the interests of the safety and convenience of highway users, in accordance with Policies D1 and T2 of the Maldon District Local Development Plan.

7. Within one month of the date of this planning permission, details of a workplace travel plan shall be submitted to the local planning authority. The details shall include a timetable for the implementation of the travel plan. Use of the site shall be carried-out in accordance with the approved details in accordance with the approved timetable and retained as such thereafter.

REASON: To promote the use of sustainable means of transport in accordance with Policies D1 and T2 of the Maldon District Approved Local Development Plan and the NPPF.

8. Within 3 months of the date of this planning permission, the proposed surface water and foul drainage schemes shall be installed and retained as such thereafter.

REASON: To prevent environmental and amenity problems arising from flooding, in accordance with Policies D2 and D5 of the approved Maldon District Local Development Plan and the NPPF.

9. The operating hours for the site shall be as follows: No machinery shall be operated or industrial processes carried out at the site any time on Saturdays, Sundays or Bank Holidays, and subject to that absolute prohibition in respect of Saturdays, Sundays and Bank Holidays, no machinery shall be operated and no industrial process carried out at the site except between the hours of 06:30am and 17:30pm on other weekdays with the exception of two hours in the evening until 19:30pm solely for washing down/ cleaning.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

10. Deliveries to and collections from the site shall not be undertaken on Saturdays, Sundays or Public Holidays and only between 07.00 and 17.00 on other weekdays.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

11. The development hereby permitted shall only be used ancillary to the existing use of the wider site.

REASON: To protect the amenities of the adjacent neighbouring properties in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

12. Within 3 months of the date of this planning permission a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority. The Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policy N2 of the approved Local Development Plan and the NPPF.

13. There shall be no storage of goods or materials outside any of the buildings/extended hereby permitted.

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.

14. All 'short-term' noise mitigation measures as detailed in the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report referenced CLI0204/R1/Rev.D carried out by Climate Acoustics shall be installed within one month of the date of this planning permission and retained as approved thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

15. All 'long-term' noise mitigation measures as detailed in the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report referenced CLI0204/R1/Rev.D carried out by Climate Acoustics shall be installed within eight months of the date of this planning permission and retained as approved thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

16. Details of suitable and sufficient odour control systems to be installed to extraction system D1, D2, D3, D4 and D5 as identified in section 4.5.6 of the 'Noise Impact Assessment Report for Commercial Fixed Plant Kismet Kebabs, Maldon Road, Latchingdon' report referenced CLI0204/R1/Rev.D carried out by Climate Acoustics shall be submitted to and agreed in writing by the Local Planning Authority no later than one month of the date of this planning permission. The odour control system(s) shall be fitted as approved and operational within 3 months of having been approved and retained as such thereafter.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

17. There shall be no burning of waste on site at any time.

REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

18. Within 3 months of the date of this planning permission, a long-term maintenance plan in relation to noise and odour shall be submitted to the local planning authority and implemented in accordance with the approved details. The approved details shall be maintained in perpetuity.

- REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.
- 19 Within 3 months of the date of this planning permission, written procedures detailing measures to ensure that Best Practical Means for the control of noise and odour are carried out on site shall be submitted to the Local Planning Authority. The details shall include a timetable for the implementation of the measures. The use of the site shall be carried-out in accordance with the approved details and maintained in perpetuity.
REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.
- 20 Prior to the commencement of the construction of the attenuation pond proposed, details of destination of ground to be removed to create this pond shall be submitted to and approved in writing by the local planning authority. The construction of the attenuation pond shall be carried-out in accordance with the approved details.
REASON: To protect the amenities of the neighbouring properties and the character and appearance of the area, in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.
- 21 The existing generator shall not be used and shall be removed from the site within 3 months of the date of this planning permission.
REASON: To protect the amenities of the neighbouring properties in accordance with policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPF.

INFORMATIVES

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
2. Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
5. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in

accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.