



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
27 JULY 2022**

PRESENT

Chairman Councillor C Mayes

Councillors Miss A M Beale, M R Edwards, B B Heubner, K M H Lagan,
P L Spenceley, Mrs J C Stilts and C Swain

192. CHAIRMAN'S NOTICES

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

193. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M S Heard, S P Nunn and Flo G F Shaughnessy.

194. MINUTES OF THE LAST MEETING

RESOLVED by assent that the Minutes of the meeting of the Committee held on 29 June 2022 be approved and confirmed.

195. DISCLOSURE OF INTEREST

Councillor K M H Lagan declared a non-pecuniary interest in Agenda Item 6 as he knew the architect.

The Chairman, Councillor C Mayes declared a non-registrable interest in Agenda Item 6 as she knew the applicant.

196. **2100540OUT - LAND AT BLACKWATER TRADING ESTATE, THE CAUSEWAY, MALDON, ESSEX**

Application Number	21/00540/OUT
Location	Land At Blackwater Trading Estate, The Causeway, Maldon, Essex
Proposal	Outline planning permission with the matters of access, layout and scale for consideration for the erection of warehouse units (Class B8) with associated vehicle parking & servicing.
Applicant	Aquila EHS Ltd
Agent	Blenheim Consultancy Services Ltd
Target Decision Date	27.07.2022
Case Officer	Anna Tastsoglou
Parish	Maldon North
Reason for Referral to the Committee / Council	Major application

It was noted that a Members' Update had been circulated prior to the meeting that included a response from the Environmental Health Officer and Planning Officers' response to the reasons the Committee previously deferred this application. Prior to the Officer's presentation the Chairman reminded the Committee that only those Members in attendance at the site visit were eligible to vote on the application.

Following the Officer's presentation, the Chairman asked Officers if the issue of landscaping would be brought to Committee. The Specialist: Development Management advised that this would form part of a reserved matters application that could be considered under delegated powers or by committee. The Chairman then opened the discussion.

A number of issues were raised and Officers responded as follows:-

- That in respect of the Grampian condition the applicant was required to form a footpath prior to the start of the development and that enforcement matters would be dealt with appropriately, under separate cover;
- That Archaeological issues were dealt with under conditions 30 and 31;
- That energy and carbon requirements were under the domain of Building Control;
- That the noise assessment report considered worse case scenario and given the results did not deem it necessary to condition this issue. Furthermore, under condition 17 the details of any external equipment with sound implications would have to be submitted and agreed by the Local Planning Authority.

Councillor Lagan, whilst somewhat reassured by condition 17, wished it recorded that he still had concerns regarding adverse noise impact.

The Chairman then proposed that the application be approved in accordance with the Officer's recommendation and this was seconded. She put this to the Committee and it was agreed.

RESOLVED that the application be **APPROVED** subject to the Section 106 agreement and the following conditions:

1. Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved

2. As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.
3. The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. 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 its replacement, is removed, destroyed, 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 in the same place, unless the Local Planning Authority gives its written consent to any variation.

4. Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
5. Prior to their use in the construction of the development, product details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
6. No development hereby approved, including ground works or demolition, shall commence unless a footway/cycleway connecting the western part of the application site (west of approved Unit G) with the existing footway/cycleway along the north-eastern boundary of Aldi has been completed. The details of the footway/cycleway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including ground works and demolition. The footway/cycleway shall then be retained as such in perpetuity.
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
8. The development hereby approved shall not be occupied until such time as the vehicle parking and turning area indicated on planning application drawing number 21/02/03 REV B, has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. 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.
 9. Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility, which details shall be submitted to and approved writing by the Local Planning Authority prior to the occupation of the development hereby approved, shall be secure, convenient, covered and retained in perpetuity.
 10. The powered two wheeler/cycle parking facilities as shown on the approved plan 21/02/03 REV B are to be provided prior to the first occupation of the development and retained at all times.
 11. There shall be no discharge of surface water onto the Highway.
 12. The public's rights and ease of passage over public footpath No.45 (Maldon) shall be maintained free and unobstructed at all times.
 13. Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.
 14. No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
 15. No building hereby permitted shall be used until details of the number and location of car parking spaces for disabled people in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The parking spaces for disabled people shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
 16. The hours of operation of the, B8 units hereby permitted shall between:
 - Monday to Saturday 0700 hours until 2300 hours only
 17. No external plant or machinery shall be used unless and until details of the equipment have been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
 18. The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood evacuation plan shall previously have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.
 19. No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.

20. The premises shall only be used for storage and distribution purposes which are defined within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
21. No buildings, or fixed above ground structures shall be placed within 20.5 metres of the landward toe of the defence, as detailed on drawing 21/02/03 revision B, dated Apr 21, provided within Appendix B of the Flood Risk Assessment Addendum No.2, dated January 2022, without written approval from the Environment Agency.
22. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
 - Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base levels, and invert levels both at inlet and outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.
 - Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

23. No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.
24. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
25. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
26. No development, including ground works or demolition, shall take place during prolonged periods of cold weather between October – March inclusive. In the

event of a works suspension due to prolonged cold weather, work can resume after three days of thaw. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), advice should be sought from the Site Ecologist or Ornithologist who shall base their guidance on the advice contained within the website of the Joint Nature Conservation Committee regarding a "Scheme to reduce disturbance to waterfowl during severe winter weather" or any other advice amending or revoking that advice.

27. No development, including ground works or demolition, shall commence until a Construction Environmental Management Plan and an Operational Environmental Management Plan have been submitted to and approved in writing by the Local Planning authority.
28. The development shall be implemented in accordance with the mitigation measures included in the submitted Habitat Regulations Assessment Report, submitted by the applicant on 26 May 2021 and Preliminary Ecological Appraisal, dated 11 May 2021 prepared by Southern Ecological Solutions. The development hereby approved shall operate in accordance with the approved mitigation measures in perpetuity.
29. No development, including ground works or demolition, shall commence until details of enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.
30. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
31. No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.

197. **22/00603/FUL - 102B & C, HIGH STREET, MALDON**

Application Number	22/00603/FUL
Location	102B & C, High Street, Maldon
Proposal	Section 73A application for the change of use of unit 102C from E(a) retail to E(b) restaurant use and to merge with unit 102B High Street (currently E(b) use) to form a single restaurant. Replace the frontages with aluminium windows and doors across the front of both buildings
Applicant	Mr R Muca
Agent	Chris Cumbers - CBS Cumbers MCIAT
Target Decision Date	EOT agreed – 01.08.2022
Case Officer	Vikki Bowles
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor C Swain – Policies D1 and E2

It was noted that a Members' Update had been circulated that detailed an amended application number and representations received from interested parties. Following the Officer's presentation, the Agent, Mr Cumbers addressed the Committee.

The Chairman then opened the discussion and invited Members' comments. Councillor Swain, having called in the application, commented on issues around loss of retail space, parking, noise and emissions adversely impacting neighbouring amenity. Other Members felt that the employment opportunities should be welcomed and that to condition no takeaway service would be limiting future progress.

There were a number of other issues raised and officers responded as follows:-

- That the application was submitted under Class A that would prevent the use as a takeaway. Should the applicant wish to operate a takeaway they would have to submit a new application under that criteria, therefore, there was no need to condition that in this application;
- That it would be conditioned that the noise assessment be completed prior to commencement of use;
- That all details of proposed equipment had been conditioned that required prior approval by the Council's Planning Department;
- That the issue of the refrigeration unit would be dealt with under enforcement;
- That a clear condition to ensure noise and emissions from the flue would be mitigated prior to commencement of the business, would be included in the application.

It was agreed that a training session for Members on the scope of movement within Class E use be scheduled.

The Chairman then proposed that the application be approved in accordance with the Officer's recommendation, to include those conditions under section 8 of the report together with the above-mentioned conditions emanating from the discussion. This was duly seconded and agreed by the Committee.

RESOLVED that the application be **APPROVED** subject to all 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: 705/01, 705/02, 705/03, 705/04, 705/05, 705/6A, 705/7B, 705/8B
- 3 The proposed use hereby approved shall only be in operation between 12.00 hours and 23.00 hours on weekdays, weekends and Bank Holidays.
- 4 Deliveries to the site shall only be undertaken between 08:00 hours and 18:00 hours Monday to Friday.
- 5 A scheme to mitigate impacts from cooking odour shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved mitigation scheme shall have be undertaken prior to first use of the development hereby approved. All elements of the approved scheme shall be maintained and retained as such thereafter.
- 6 A Noise Impact Assessment (NIA), relating to both the proposed use and proposed plant equipment, shall be submitted to and approved in writing by the local planning authority. The NIA shall include a scheme to mitigate the noise from both the use and the ventilation and extract system to the nearest noise sensitive receptors (NSR). All works that form part of the approved mitigation scheme shall have be undertaken prior to first use of the development hereby approved. All elements of the approved scheme shall be maintained and retained as such thereafter.
- 7 No additional external plant or machinery shall be installed unless and until details of the equipment have been submitted to and approved by the Local Planning Authority.
- 8 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken clear of the public highway.

There being no other items of business the Chairman closed the meeting at 8.25 pm.

C MAYES
CHAIRMAN