



**REPORT of
ASSISTANT DIRECTOR - PLANNING AND IMPLEMENTATION**

to
**DISTRICT PLANNING COMMITTEE
22 MAY 2025**

Application Number	24/00906/FULM
Location	New Commercial Building At Great Hayes Business Park, Lower Burnham Road, Stow Maries, Essex
Proposal	Development of a new winery unit environmental water treatment plant and attenuation area with new highway access and landscaping enhancements
Applicant	S Hollington
Agent	Miss Kate Jennings, Whirledge & Nott
Target Decision Date	29 May 2025 (EOT agreed)
Case Officer	Matt Bailey
Parish	STOW MARIES
Reason for Referral to the Committee / Council	Major application - Part of strategic allocated site within the Local Development Plan

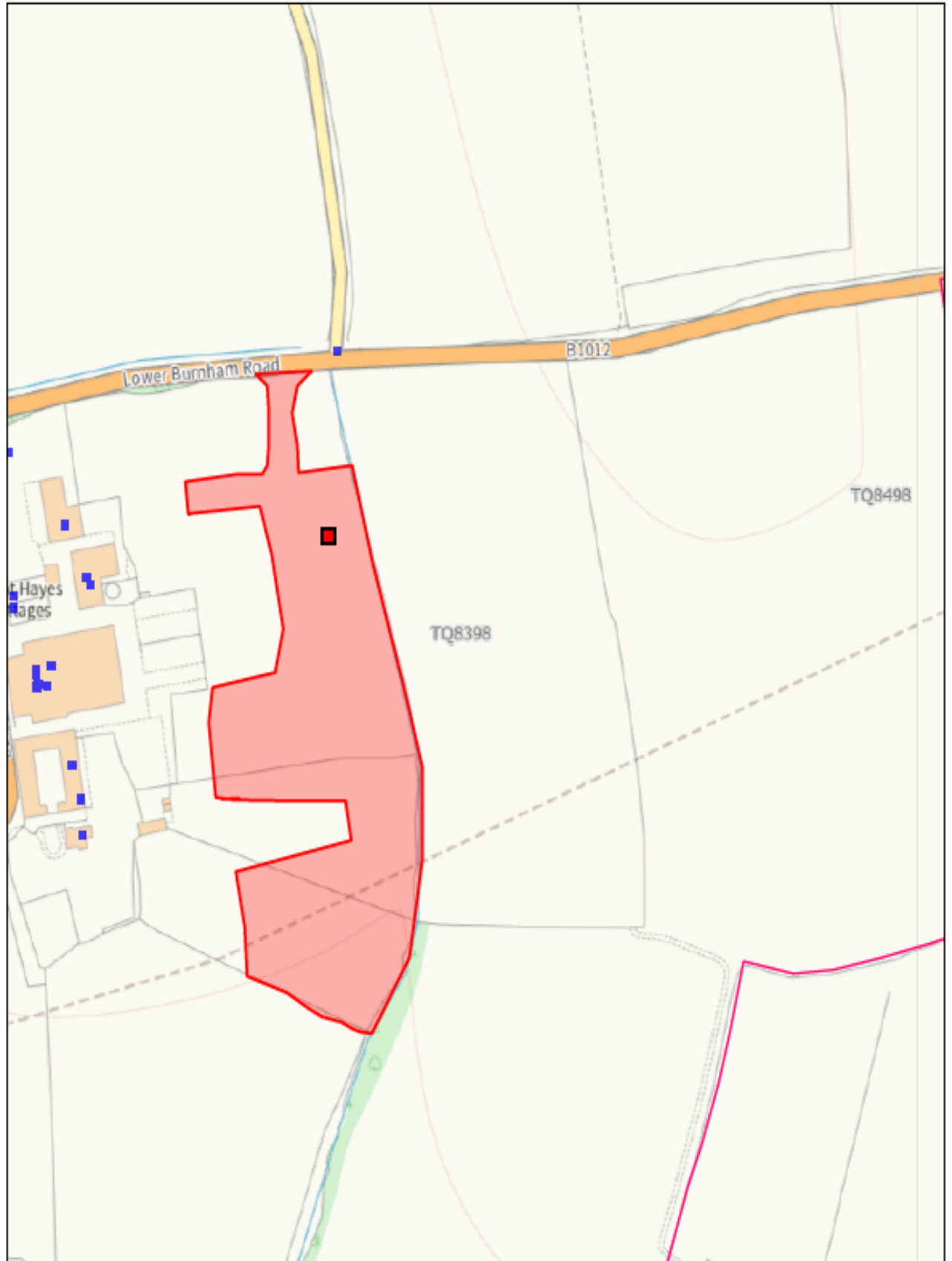
1. RECOMMENDATION

APPROVE subject to the conditions as detailed in section 8 of this report.

2. SITE MAP

Please see overleaf.

24/00906/FULM



3. SUMMARY

3.1 Site Description

- 3.1.1 The Great Hayes Business Centre is located to the south of the Parish of Stow Maries on the Lower Burnham Road. The application site itself extends to 2.57 hectares of land to the eastern side of the Business Centre and mainly comprises open grassland which slopes gently downwards from west to east. A number of trees are present along the eastern boundary which screen the site.
- 3.1.2 The majority of the site is allocated in the Maldon District Local Plan (2017) for employment development (Policy E1 (t)). The Business Centre currently consists of a number of warehouse buildings with single storey offices adjacent to the highway and includes a veterinary practice. Further commercial development at the Business Centre has also recently approved under planning permission 23/00837/FULM.
- 3.1.3 The Business Centre is currently accessed via two existing vehicle access points along the western boundary, with formal and informal parking is spread across the site.

3.2 The Proposal

- 3.2.1 Planning permission is sought for the construction of a new winery building to the eastern side of the Business Centre, an updated Living Water Treatment Plant and surface water attenuation pond to the south of the site, and a new industrial grade vehicular access to the winery and wider Business Centre taken from Lower Burnham Road along the northern site boundary.
- 3.2.2 The proposed winery building would be set back approximately 100m south of Lower Burnham Road highway and would measure 60.8 metres in length and 39.6 metres wide, with an overall ridge height of 11 metres (6.2m to eaves). A smaller open sided canopy area measuring 11.7m in length by 10.4m wide oversails the loading area, at a lower height than the main roof (7.7m to ridge, 6.5m to eaves). An aerated storage tank is also proposed to the north of the service yard, with a diameter of 21 metres and height of 4 metres.
- 3.2.3 The unit would be occupied by an established wine producing company and would provide a local processing unit for a number of vineyards within the Dengie area to reduce travel distance for grapes being processed (which are currently transported to Kent, Sussex Hampshire and Dorset for processing). The facility would be operated during normal weekday business hours for the majority of the year (08.00-18.00 Monday to Friday), with extended operating hours proposed during the harvest season, usually between September – November (see section 5.3 for discussion).
- 3.2.4 The proposed winery building has been designed to reflect the appearance of existing structures at the site - finished in dark grey corrugated metal sheeting – and would have the appearance of an agricultural barn in views from the east.
- 3.2.5 The proposal also includes provision for a living water treatment beds and a surface water drainage attenuation pond to the south of the site, which would address drainage requirements for both the winery site and the development approved under permission 23/00837/FULM.
- 3.2.6 The winery building would be accessed from Lower Burnham Road along the northern boundary of the site, by way of a newly constructed junction that will also serve the wider Business Centre and the development recently approved under

planning permission ref 23/00837/FULM. Two other access points link to the existing highway infrastructure within the site and to the existing main entrance to the west.

3.2.7 The proposal would provide a total of 33 parking spaces, 20 of which are located within the winery compound and a further 13 along the access road to the south (linking to the approved development under 23/00837/FULM).

3.2.8 In addition to the existing and proposed plans, the proposal is supported by the following documents:

- Planning statement prepared by Whirlledge & Nott;
- Design & Access Statement and Full Plans prepared by Arcady Architects;
- Transport Assessment prepared by Ardent Consulting Engineers;
- Ecology Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Assessment and Landscaping prepared by Plumb Associates;
- Built Heritage Statement prepared by RPS Group Ltd;
- Surface Water Drainage Strategy prepared by Ardent Consulting Engineers;
- Acoustic Report by Healthy Abode Acoustics ;
- Health Impact Assessment by Aval Group;
- Arboricultural Report by Andrew Day Consultancy

3.3 Conclusion

3.3.1 The wider site is currently operational in employment use and already makes a positive contribution to the Local Development Plan's (LDP's) employment objectives. It is mostly allocated for employment development under LDP Policy E1 (t) and as such is suitable for the proposed use. The section of the application site to be developed for the winery (excluding the attenuation pond and filter beds to the south) would fall within the boundaries of the allocated employment site and the use proposed would fall within the parameters of the policy.

3.3.2 The development proposed would also address an increased demand for local wine processing from vineyards in the Dengie area, some of which currently transport grapes to Kent, Sussex, Hampshire and Dorset for wine production. The creation of a local facility and the reduced need for transportation of goods is considered to represent a substantial economic and sustainability benefit of the proposal.

3.3.3 The scale, massing and detailed design of the proposed building would be similar to existing structures at the Business Centre (and those approved under permission 23/00837/FULM) and would result in the winery having the appearance of an agricultural building. The proposal is therefore considered acceptable in terms of its effect upon the character and appearance of the area.

3.3.4 The proposed living water treatment beds and attenuation ponds have been developed following initial discussions regarding overall site drainage at the time of the original application (23/00837/FULM) and will seek to ensure that the wider Business Centre does not adversely affect surface water and foul drainage capacity in the local area. Whilst the system is located outside of the confines of the employment allocation, it is not considered to not result in any harmful impact on the intrinsic character and beauty of the open countryside.

3.3.5 In terms of other matters, it is considered that sufficient information has been provided to conclude that the development is acceptable in terms of highway safety and does not raise any insurmountable issues regarding ecology, residential amenity,

drainage, ground conditions or trees that could not be satisfactorily addressed by condition.

- 3.3.6 For the reasons summarised above the proposed development is considered to accord with relevant provisions of the National Planning Policy Framework (NPPF) and the LDP including policies S1, E1, N2, D1 and T2, and is recommended for approval permission accordingly.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (2024) 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
- 54-58 Planning Conditions and Obligations
- 85-89 Building a strong, competitive economy
- 108-117 Promoting sustainable transport
- 123-127 Making effective use of land
- 128-130 Achieving appropriate densities
- 131-141 Achieving well-designed places
- 157-175 Meeting the challenge of climate change, flooding, coastal change
- 180-194 Conserving and enhancing the natural environment
- 202-221 Conserving and enhancing the historic environment

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

- Policy S1 – Sustainable Development
- Policy S2 – Strategic Growth
- Policy S7 – Prosperous Rural Communities
- Policy S8 – Settlement Boundaries and the Countryside
- Policy H4 – Effective Use of Land
- Policy D1 – Design Quality and Built Environment
- Policy D2 – Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation & Heritage Assets
- Policy D5 – Flood Risk and Coastal Management
- Policy E1 - Employment
- Policy N1 – Green Infrastructure Network
- Policy N2 – Natural Environment, Geodiversity and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services
- Policy I2 – Health and Wellbeing

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and Paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.
- 5.1.2 Policy S7 of the Maldon Local Development Plan states that the Council will actively seek to support and facilitate sustainable economic development within the villages through the retention of key employment and retail designations in accordance with Policies E1 and E2. Policy S8 states that planning permission for development will only be permitted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for a type of development listed within a closed list of criteria. Policy S8 b) Employment generating proposals (in accordance with Policy E1) applies in this instance.
- 5.1.3 Policy E1 states that the Council will encourage employment generating developments and investment in the District to support the long-term growth vision outlined in the Council's Economic Prosperity Strategy (EPS). This will be achieved through the regeneration, modernisation and expansion of existing employment sites. As part of Policy E1, a total of 11.4 hectares of new class B use employment land has been allocated at a number of sites, including at Stow Maries (Great Hayes Business Centre). As defined within the Policies Map, new employment space is allocated at the Great Hayes Business Centre by an extension measuring a total of 1.8 ha to the existing employment site, ref. E1(t). The appropriate uses of the allocated employment area are indicated within the LDP as B1, B2 and B8. It should be noted that as part of the Government's recent review of the Use Classes Order 1987 (as amended), some of these use classes are now revoked and have formed a new Use Class 'E'.
- 5.1.4 Policy E1 states that planning applications for new employment space will only be permitted for employment purposes if they accord with the use class specified. Outside the designated employment allocations, new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment and infrastructure considerations. Mixed-use development on existing employment land and premises will only be considered appropriate where it includes a substantive Class B employment element that will support economic growth within the District. Mixed-use redevelopment will not be considered acceptable in employment areas where it will detrimentally impact upon the quality of the site for employment uses.
- 5.1.5 The proposed development in this case would result in the provision of an additional 2,079 square metres of B2 employment floorspace (wine processing). This would comply with the provisions of Policy E1 as set out above.

- 5.1.6 With regard to the impact on the intrinsic character and beauty of the open countryside, no technical objections have been received in this regard. Whilst the proposal would result in an expansion of the site eastwards, the scheme would remain within the confines of the employment allocation and would be well screened by existing planting along the eastern boundary. Likewise, no technical objections have been raised regarding the impact on highways and transportation or the environment. Suitable mitigation measures can be secured via the imposition of a condition on any forthcoming permission. The proposal has been found to generally accord with Policies S1, S7, S8 and E1 of the LDP and the guidance contained in the National Planning Policy Framework. The merits of the scheme are assessed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development. It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Policy D1 of the LDP and The MDDG (2017) are relevant in this respect.
- 5.2.2 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to requiring all development to be design-led and to seek to optimise the use of land having regard, amongst others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.3 Although the Great Hayes Business Park is an allocated Business Park it is in a rural countryside location outside of any defined settlement boundary. To the east and south of the site are open expanses of fields. The proposed building in this case is located to the eastern side of the site, along the boundary with the open countryside.
- 5.2.4 The scale, massing and detailed design of the proposed winery building would be similar to existing structures at the Business Centre (and those approved under permission 23/00837/FULM) and would result in the winery having the appearance of an agricultural building. The proposal is therefore considered acceptable in terms of its effect upon the character and appearance of the area.
- 5.2.5 Whilst the proposed new access to the site via the northern boundary would result in some loss of planting, it is noted that additional landscaping is proposed across the site that would help to break down the hard edges of the new development. A condition can be imposed to secure this and boundary treatments. Whilst the proposal would extend into what is an existing area of open grassland to the east, it is well screened by the existing tree line along the eastern boundary. The provision of an attenuation pond, and treatment works to the south would not introduce any additional built form or erode the intrinsic character of the open countryside.
- 5.2.6 Overall, it is considered that the proposed winery building would appear as a logical extension to the Business Park, and in the context of the development already approved under application ref 23/00837/FULM). The proposal therefore accords

with LDP policies D1, D3 and H4, the Maldon District Design Guide (2017), and relevant guidance in the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of Policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.3.2 Although the nature of the use would be compatible with the use of the existing employment site, it is noted that the proposed development would result in increased levels of activity at the site over and above the development already approved under application ref 23/00837/FULM. Consideration must therefore be given to any potential impact of the development upon the living conditions of the occupiers of nearby residential properties located further west of the application site at Great Hayes Cottages and High Hall Cottages.
- 5.3.3 Owing to the position of the building to the eastern boundary, the development would not result in a loss of privacy or daylight and sunlight to the neighbouring dwellings, nor would the development appear unduly overbearing.
- 5.3.4 With regard to noise impacts the Council's Environmental Health Officer (EHO) had previously advised (in relation to application 23/00837/FULM) that given the existing nature of the development site, the proposed uses of the new buildings, their location and layout, as well as the existing noise climate which is dominated by road traffic at the closest noise sensitive receptors, there would be no requirement for a noise impact assessment.
- 5.3.5 Notwithstanding this position, a noise impact assessment was submitted as part of the winery proposal, which concluded that the development would have some minor impacts during harvest periods (for which extended 24 hour operation is sought). The EHO had raised initial concerns regarding potential noise impact during these proposed 24 hour operational periods, however following discussions it has been suggested that further information be sought from the applicant in the form of a Noise Management Strategy to be secured by way of planning condition, which would be submitted to and approved in writing prior to occupation of the development. This would provide details of the proposed acoustic screening (and associated noise level calculations), hours of operation, specification of harvest dates and 24 hour operation periods, areas within the site where noise generating activities are more likely to occur, and associated mitigation / best practice relating to limitation of noise during working hours.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The proposal is supported by a Transport Statement (TS) which includes information with regard to 'Trip Attraction' and 'Traffic Impact and Junction Capacity Analysis'.

- 5.4.3 Noting that the site is an allocated employment site under Policy E1 (t) of the LDP Essex County Council as Highway Authority (HA) have advised that the submitted TS is robust and that they are satisfied the proposal will not have a severe impact on the highway at this location or the surrounding highway network. They also consider that no further junction assessment is necessary given the low percentage impact on the highway as a result of the proposal. The HA thus conclude that the proposal would not be detrimental to highway safety, capacity or efficiency subject to conditions including: a Construction Management Plan, and implementation of visibility splays.
- 5.4.4 For the reasons summarised above, subject to the recommended highway conditions, the proposals are considered to accord with the requirements of LDP policies T1 and T2 in terms of highway safety and accessibility.

5.5 Flood Risk and Drainage

- 5.5.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).
- 5.5.2 The application site is located entirely within Flood Zone 1 (low risk of flooding). However, due to the site being larger than 1ha, a Flood Risk and SUDS Statement has been provided. Essex County Council's Drainage Team as the Lead Local Flood Authority have confirmed that the proposal is acceptable in drainage terms subject to conditions.
- 5.5.3 The Council's Environmental Health Officer has advised that they have reviewed the Drainage Statement and associated drainage strategy (previously required in associating with condition 16 of the approved 23/00837/FULM scheme) and consider that the proposed scheme would adequately provide both foul and surface water drainage to serve both the application site and the wider development already approved. A condition would be required the implementation of the drainage scheme prior to occupation of the development.
- 5.5.4 For the reasons summarised above the proposal is considered to accord with the relevant requirement of LDP policies D2 and D5 and related relevant provisions of Section 14 of the NPPF relating to flood risk and drainage.

5.6 Ecology and Impact on European Designated Sites

- 5.6.1 Paragraph 174 of the NPPF (2023) states that 'planning policies and decisions should contribute to and enhance the natural and local environment by; (amongst other things) minimising impacts on and providing net gains for biodiversity.'
- 5.6.2 Strategic LDP Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.6.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and / or isolation of existing or proposed green infrastructure. LDP Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and

/ or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.

- 5.6.4 The proposal is supported by a Preliminary Ecological Appraisal Incorporating Bat Survey Inspection (Plumb Associates, October 2024). The proposal has been reviewed by the Council's Ecological Consultant, who has confirmed that the mitigation measures set out in the PEA are acceptable and can be secured via the imposition of a condition on any consent and implemented in full. The proposed reasonable biodiversity enhancement, including hedgerow planting, tree planting and a wildlife friendly soft landscaping scheme which have been recommended by the PEA to secure net gains for biodiversity should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.
- 5.6.9 In addition, the PEA highlights that it is likely that bats could be foraging / commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts.

5.7 Other Matters

Health Impact Assessment

- 5.7.1 As the proposed development is in excess of 1000 square metres, the proposal is supported by a Health Impact Assessment (Aval Consulting Group, November 2024).
- 5.7.2 The proposal is for a wine processing building (B2 use). The proposal would not trigger a requirement for social infrastructure, in terms of education needs and will not impact on health and social care services. Soft landscaping is proposed along the northern and eastern boundaries and will provide for biodiversity net gain. Newly planted trees would also be introduced. The Arboricultural Report (Andrew Day Arboricultural Consultancy Ltd, August 2023) submitted to support the proposal confirms that the final landscaping scheme can be secured via the imposition of a condition on any planning consent. The site would connect to Footpath 16 Stow Maries to the north of the site.
- 5.7.3 Cycle parking provision would be secured via the imposition of a condition on any consent. The Transport Assessment submitted with the application (Ardent, November 2024) supports the proposal, and this has been found to be acceptable by the Highway Authority. No objection has been received from Essex Police.
- 5.7.4 A landscaping scheme would be secured via the imposition of a condition on any consent. The Council's Ecological Consultant has confirmed that the proposal would result in a net gain in biodiversity, and this can be secured via the imposition of a condition on any consent. A SUDS strategy has been prepared to support the proposal and an attenuation pond is proposed – this has been supported by Essex County Council's SUDS team.

Waste Management

- 5.7.5 Whilst no response has been received from the Council's Waste Management team, it is noted that the proposed winery is located within a fenced compound that would have sufficient capacity for the storage of refuse. The onus would be on the applicant to arrange commercial waste agreements for the future occupiers of the site.

Pre-commencement conditions

- 5.7.6 Pursuant to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority must obtain the written agreement of the applicant to the terms of any pre-commencement condition recommended before it can be imposed on any planning permission granted. In this case a pre-commencement condition is required with regard to the submission and approval in writing of a Construction Management Plan. Agreement to this has been received via email from the agent.

6. ANY RELEVANT SITE HISTORY

Reference	Proposal	Status
23/00837/FULM	Demolition of 2 no. dwellings and erection of 5 no. commercial units, new internal road layout and car parking provision	Approved – 01.04.2024
17/01219/FUL	Change of use of an agricultural building to a B1 light industrial workshop use.	Approved – 5.07.2018
16/00521/FUL	Infill extension to existing B1 unit.	Approved – 9.05.2016
11/01031/FUL	Proposed new single storey business unit with canopy link to existing business unit (B1 use) and additional parking area.	Approved – 7.12.2011
10/00475/FUL	Convert office unit into Veterinary Surgery.	Approved – 2.08.2010
09/00702/FUL	Change of use of agricultural buildings to Business Use (B1). Re-roofing and cladding of existing cow shed. Demolition of existing dairy building and construction of new 'lean-to' business units.	Approved - 29.09.2009

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Stow Maries Parish Council	The members support this application as it will bring local employment, be good for the agricultural area and will lower the carbon footprint as it is designed to serve many of the vineyards in the area and they will not have to send their crop out of the county to be processed.	Noted and discussed at Paragraph 5.4 of this report.

7.2 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Concerns raised regarding potential noise emissions during harvest season (when 24 hour operation is proposed). Conditions are requested requiring the provision of details of the proposed acoustic screening and noise management measures on site in	Noted, and discussed at Paragraphs 5.3 and 5.5 of this report.

Name of Internal Consultee	Comment	Officer Response
	order to overcome these concerns. Proposed drainage strategy is considered acceptable.	
Waste Management	No comments received	

7.3 External Consultees (summarised)

Name of External Consultee	Comment	Officer Response
Highway Authority	No objections, subject to the imposition of conditions regarding the implementation of the supporting Construction Management Plan (which has been submitted), visibility splays, access arrangements, cycle parking and the submission to the Local Planning Authority (LPA) of a Workplace Travel Plan.	Noted, and discussed at Paragraph 5.4 of this report.
Essex County Council (ECC) Drainage	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to conditions for: accordance with the approved FRA and its mitigation measures; maintenance arrangements; logs of maintenance; existing pipes cleared of any blockage and restored.	Noted, and discussed at Paragraph 5.5 of this report.
Ecological Consultant	We have reviewed the Preliminary Ecological Appraisal (Plumb Associates, October 2024), the BNG Statement and Condition Assessment (Plumb Associates, November 2024), Statutory Biodiversity Metric – Calculation Tool (November 2024) relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation and mandatory Biodiversity Net Gains. We are satisfied that there is sufficient ecological information available for determination of this application. No objection subject to securing biodiversity mitigation and enhancements.	Noted, and discussed at Paragraph 5.6 of this report.
Arboricultural Consultant	No objection. A condition of any consent is required to ensure the Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) are implemented. Landscaping can be secured via the imposition of a condition on any consent.	Conditions recommended to ensure this.

Name of External Consultee	Comment	Officer Response
Archaeological Consultant	The proposed works are within an area that has already been extensively disturbed. No recommendations made with respect to this application.	Noted
Essex Police Designing out Crime Team	Whilst there are no apparent concerns with the layout of this site, Essex Police requests that the developer seeks to achieve the relevant Secured by Design accreditation for this development, which in this case will be Secured by Design Commercial Developments.	Noted
Anglian Water	First response - Object due to proximity of sewer to the south of the site. Second response – PLA required to consult LLFA (Essex County Council) in relation to drainage.	Noted – the sewer has been confirmed as being unaffected by the proposal subsequent LLFA have been consulted (see above)

7.4 Third Party Representations

- 7.4.1 The application was advertised by way of a series of site notices posted on 18 December 2024 (with expiry date for comments set at 12 January 2025). The site notices were affixed at eye level to a telegraph poles located to the north of the site (opposite Church Lane) at the approach to the south-western corner of the Business Centre (approximately 10m to the west of the site, and adjacent to the main entrance itself.
- 7.4.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on 19 December 2024 (with expiry date for comments set at 9 January 2025).
- 7.4.3 No letters of representation have been received in response to the notices above.

8. PROPOSED 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 approved plans as set out by the Decision Notice.
3. No works above ground level shall take place until written details of the proposed materials to be used in the development hereby permitted 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.
4. 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.

5. Prior to first occupation of the development and as shown in principle on planning drawing no. 2106121-ACE-XX-00-DR-C-0501 Rev 1.2, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 164 metres to the east, and 2.4 metres by 117 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
6. All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Plumb Associates, October 2024), as already submitted with the planning application, and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
7. Prior to any works above slab level a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

8. If external lighting is proposed, prior to beneficial use, a lighting design scheme for biodiversity in accordance with GN:08/23 Bats and Artificial External Lighting (ILP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and location set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (05/03/2025) and the following mitigation measures detailed within the FRA:
 - Infiltration testing in line with BRE 365. If infiltration is found unviable the run-off rates from the site should be limited to 33.4l/s.

- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of climate change.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or 2 within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. 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. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
11. 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.
12. Prior to the first occupation of the development the cycle parking, as indicated on the approved plans, shall be provided and retained as such for the life of the development.
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. Prior to first occupation of the proposed development, a Noise Management Strategy shall be submitted to and approved in writing by the Local Planning Authority.

The Strategy should include:

- 1) Detailed drawings of proposed acoustic screening around the site;
- 2) Updated noise calculations relative to the proposed screening and key areas within the site potentially generating noise (eg delivery areas, machinery);
- 3) Operating hours, seasonal dates for 24h operation and anticipated timing/number of deliveries during normal and harvest seasons;
- 4) Operational guidance/best practice to limit potential for noise spillage at all times.

The development shall be carried out in accordance with the approved details.

15. The development hereby approved shall be carried out in accordance with the 'Tree Protection Plan Whole Site', 'Tree Protection Plan Red Line Area' and 'Arboricultural Report' (Andrew Day Arboricultural Consultancy Ltd, 3rd October 2024) as approved as part of this permission.
16. Prior to any works above slab level, a full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site.

These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers/densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes,

- seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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, uprooted, 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.

Hard landscape works

- 1) Details of walls with brick types, construction design and dimensions
- 2) Details of surfacing, with materials finishing and edgings
- 3) Details of any street furniture, with designs materials and dimensions

The hard landscape works shall be carried out as approved prior to the first use / occupation of any part of the development hereby approved and retained and maintained as such thereafter.

17. Prior to the first occupation of the development, the foul and surface water drainage scheme as detailed by the approved Drainage Statement Report by Ardent Construction Engineers, Ref 2106121-RO1, dated October 2024, shall be installed and implemented and available to serve the drainage requirements of the development.

INFORMATIVES

1. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Maldon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

2. **Highways**

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design checks safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Application Drawings and Documents

- 19/20/251 Rev B - Location Plan;
- 19/20/252 Rev B - Existing Site Plan;
- 19/20/253 Rev E - Proposed Site Plan;
- 19/20/254 Rev B - Proposed Plans;
- 19/20/255 - Proposed Roof Plan;
- 19/20/256 - Proposed Elevations & Section;
- 01 Rev A - Landscape Proposals;
- Planning statement prepared by Whirlledge & Nott;
- Design & Access Statement and Full Plans prepared by Arcady Architects;
- Transport Assessment prepared by Ardent Consulting Engineers;
- Ecology Preliminary Ecological Appraisal (PEA) prepared by Plumb Associates;
- Biodiversity Net Gain (BNG) Report prepared by Plumb Associates;
- Assessment and Landscaping prepared by Plumb Associates;
- Built Heritage Statement prepared by RPS Group Ltd;
- Surface Water Drainage Strategy prepared by Ardent Consulting Engineers;
- Acoustic Report by Healthy Abode Acoustics ;
- Health Impact Assessment by Aval Group;
- Arboricultural Report by Andrew Day Consultancy.