



**REPORT of  
CHIEF EXECUTIVE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
13 DECEMBER 2017**

<b>Application Number</b>	<b>FUL/MAL/17/00666</b>
<b>Location</b>	JD Classics (Holdings) Limited, Unit 4, Galliford Road Industrial Estate, Galliford Road, Maldon
<b>Proposal</b>	Erection of 3No. individual extensions to the rear and side of the existing building.
<b>Applicant</b>	Mr. D. T. Hood - JD Classics
<b>Agent</b>	Ms. Andrea Savill - Athena Architectural Services
<b>Target Decision Date</b>	18 December 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621 875730
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

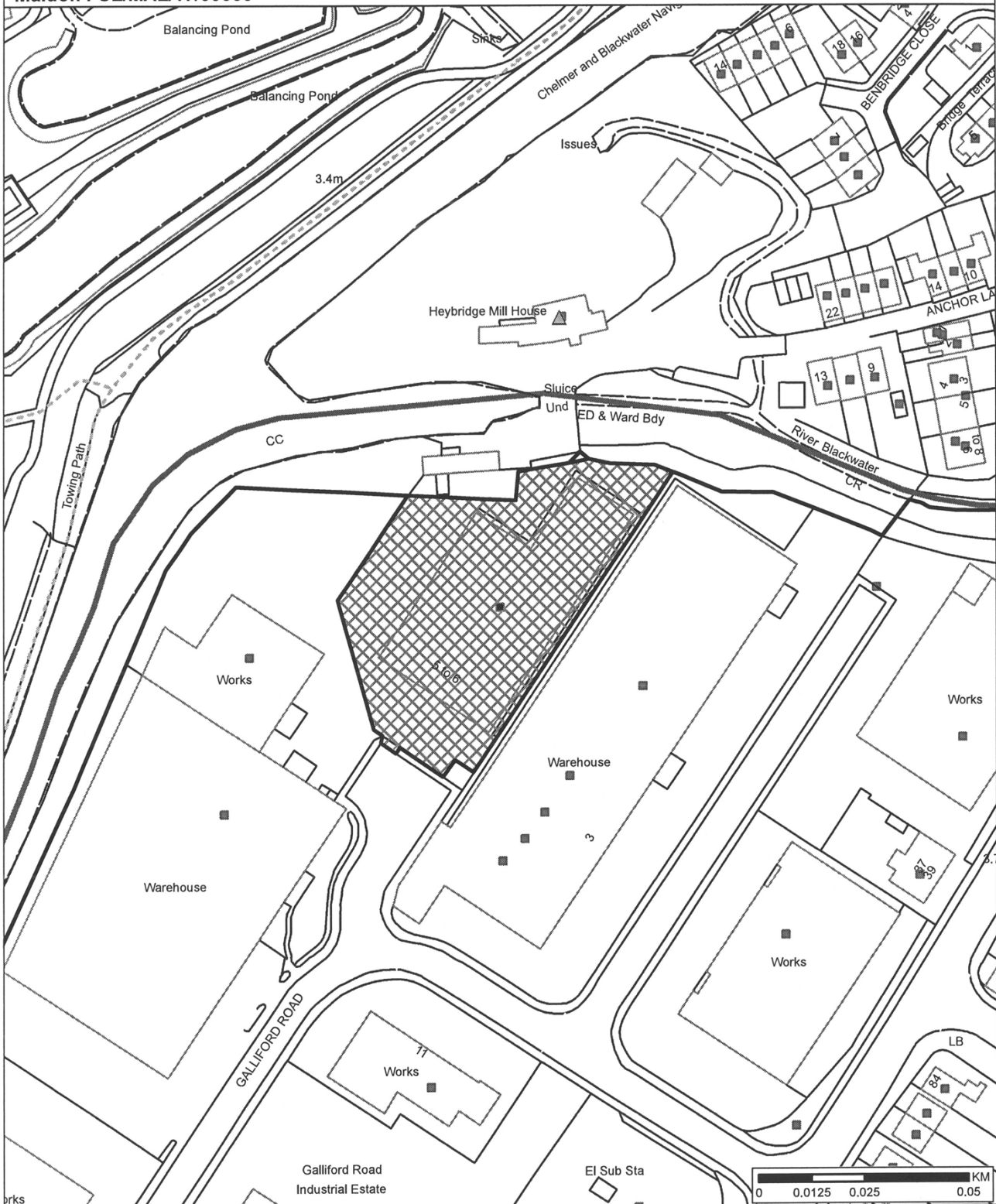
1. **RECOMMENDATION**


**APPROVE** subject to the conditions as detailed within Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

**JD Classics (Holdings) Limited - Unit 4 Galliford Road Industrial Estate**  
**Maldon FUL/MAL/17/00666**



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Committee
	Date:	04/12/2017
	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site comprises a large detached industrial unit located on the Galliford Road Industrial Estate. The plot is located adjacent to the northern boundary of the site and at the end of a cul-de-sac within the estate.
- 3.1.2 The building subject of this report is typical of industrial estate architecture with the external elevations built of brick with powder coated sheet profiling coloured dark green above and to the roof. Internally the unit represents as a large open storage space with a small segregated office adjacent to the front (south) elevation and main entrance door. The building in plan form is rectangular with a half width projection to the northern end which takes advantage of the site pattern.
- 3.1.3 The existing building is sited on an unusual shape plot which is constrained by the estate's common boundary with the adjacent Conservation Area.
- 3.1.4 Planning permission is sought to erect three extensions to the building which would take advantage of the existing open areas adjacent to the current building and extend it towards the site boundary on the western and northern elevations. Two triangular projections are proposed which would infill open areas to the north western side of the structure with their walls adjacent to the site boundary. An internal mezzanine level is proposed within the northern end of the existing building and which would extend through to the two triangular extensions. The third, western extension which would be trapezoid in shape would be open internally.
- 3.1.5 In total the extensions would add an additional 1030m<sup>2</sup> of internal floor space. No external fenestration is proposed with the exception of two fire doors. The height of the two triangular extensions would match that of the existing structure at 9.4m reducing down to an eaves height of 6.4m. The western trapezoid projection would have a lower ridge height of 7.8m. The external elevations would comprise sheet profile metal cladding to match that on the existing structure.
- 3.1.6 The site is within a designated employment site, and within the settlement boundary of Maldon. The site also lies within Flood Zone 3.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the design, scale and bulk of the proposed extensions would not result in a detrimental visual impact upon the character and appearance of the site or the adjacent heritage assets. On balance it is considered that the parking provision is acceptable in this instance and would meet the adopted requirements of the Supplementary Planning Document. Subject to appropriate conditions to restrict outside storage and working, there is considered to be limited impact upon adjacent neighbouring commercial and residential occupiers.
- 3.2.2 The site is located within Flood Zone 3 as designated by the Environment Agency. The revised Flood Risk Assessment has now demonstrated to their satisfaction that the proposed development can mitigate flooding risk and that the development will

not increase risk elsewhere and subject to appropriate conditions being appended to any grant of permission.

- 3.2.3 The proposal is therefore considered to accord with policies S1, S8, D1, D2, D3 and D5 of the Local Development Plan (LDP) and the guidance and provision as contained within paragraph 100, 101 and 102 of the National Planning Policy Framework.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 23, 100 - 104

##### **4.2 Maldon District Local Development Plan:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- E1 Employment
- T1 Sustainable Transport

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development and Change of Use of a Rural Building**

- 5.1.1 The application site is located within the defined settlement boundary for Maldon and within a designated employment zone. Policy S1 is the strategic policy that would apply to this site allowing development to be directed to sites within the development boundary. Policy E1 seeks to protect allocated areas for the District's employment base and will only be permitted if they accord with the use class specified. On this basis the general principle of development in this location would be acceptable subject to other considerations.

- 5.1.2 The application site also falls within the Causeway Regeneration Area and directly adjacent to the Chelmer and Blackwater Navigation Conservation Area. The site is

also within Flood Zone 3. Therefore in order for the principle of development to be acceptable the requirements of policies D1, D2, D3 and D5 should be met as well as the principle of development when assessed against paragraphs 100 – 104 of the Framework.

## **5.2 Employment**

- 5.2.1 The policies contained within the local plan support the presumption in favour of employment facilities which are considered necessary to maintain the employment base in the District.
- 5.2.2 The site in question falls within area E1 as designated within the Local Plan with the appropriate use class falling within the B1 category and Use class B1, B2 and B8 and would provide additional employment opportunities which is in accordance with the Council's approved policies and direction of travel for the protection and enhancement of employment within the District Centre.
- 5.2.3 The Economic Development Service has no objection to the scheme.

## **5.3 Scale, Design and Impact on the Character of the Area**

- 5.3.1 The proposed development would be located within an existing employment allocation zone and adjoining an existing large industrial unit. The site is characterised by similar units in terms of design and scale with the open areas providing parking and delivery areas typical of such a site with concrete aprons and walkways. Each unit is segregated by security fencing boundary treatments with the common boundary to the adjacent Conservation Area also forming a metal security fence.
- 5.3.2 The three proposed projections would be located on the western side of Unit 4 which is located within the north western corner of the site. The design of the extensions are considered commensurate with the existing unit in terms of external materials with the roof slope corresponding to the original structure. The existing unit has an overall ridge height of 9.4m with the two triangular projections infilling unused areas of the site and with hipped roofs falling away from the existing ridge.
- 5.3.3 The western side elevation projection would be trapezoid in shape and with its own separate ridge roof. Whilst forming an irregular shape in plan form, the front elevation would present as a similar but smaller unit adjoining the existing structure.
- 5.3.4 Whilst considered to accord with the existing units on the site, full consideration must be given to the adjoining Chelmer and Blackwater Navigation Conservation Area which bounds the western side of the whole industrial estate.
- 5.3.5 The proposed units, as previously stated, would take advantage of the irregular shape of the site, but with their limited size and sequential reduction in scale from the original unit would be seen as natural additions and against the backdrop of the existing unit and the estate in general. Views into the site are already characterised by the industrial nature of the site and these relatively small additions are not considered to result in significant detrimental visual impact upon the wider area.

- 5.3.6 It is noted that there is no objection from the Council's Conservation Officer or Urban Design Officer. However, in terms of urban design, comments have been made with regard to the loss of open scrub areas and the importance of on-site landscaping in relation to the adjacent conservation area. Whilst it is acknowledged that there are trees directly adjacent to the site and which are within the Conservation Area these could be protected and any impacts mitigated by appending an appropriate condition to any grant of permission. Such a condition would also ensure that views from the adjacent residential property at Mill House would also be protected. With regard to the loss of the open informal scrub land, it should be noted that this could legitimately be cleared for parking or storage in connection with the existing units and only comprises a very limited area to the rear of the unit.
- 5.3.7 It is noted that the area falls within the Maldon and Heybridge Central Area Masterplan and specifically the Causeway Regeneration Area. It is noted that the Urban Design Officer has concern with regard to loss of trees / scrub on the site and the tree canopy from the Conservation Area and, as previously stated, whilst it is considered that mitigation measures for the loss of the scrub are not considered appropriate or necessary, a condition to protect the adjacent tree canopy could be achieved.
- 5.3.8 Furthermore, subject to a condition to ensure the use of the materials as proposed within the submission the proposal is considered compliant with policies D1 and D3 of the approved LDP and the Framework.

#### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 Given the existing use of the site and the wider industrial estate, for B1, B2 and B8 Use, the relatively small scale of the proposals and distance between the separate extensions to the adjacent residential property at Mill House no significant impact is considered to result from the proposal. Furthermore, there is not considered to be any detrimental impact upon the adjacent commercial users above that which exists at present.
- 5.4.2 The development is therefore considered to be in accordance with the stipulations of policy D1 of the LDP.

#### **5.5 Access, Parking and Highway Safety**

- 5.5.1 In order to be considered acceptable, development must comply with approved policy T2 which ensures the provision of off-street parking is in line with adopted vehicle parking standards (Supplementary Planning Document (SPD)). Whilst there would be a reduction in on-site parking provision, it should be noted that the SPD states a maximum provision. The maximum provision for this overall floor space, including the mezzanine storage area would be 17 spaces. The site, post development, would retain 11 spaces and therefore, whilst lower than the maximum requirement, it should be noted that the requirement is expressed as a maximum requirement and that the site is within a central area served by several bus links, footpaths and in close proximity to residential areas. It is therefore considered to be a sustainable location and the provision of reduced parking can be found acceptable in this instance.

5.5.2 Essex County Council Highway Department has been consulted on the scheme and there is no objection in terms of highway safety.

5.5.3 The scheme is therefore considered to meet the criteria of approved LDP policy T2.

## **5.6 Flood Risk**

5.6.1 The site lies within Flood Zone 3 as designated by the Environment Agency (EA) as being at risk for flooding from tidal and river flooding. The application therefore required the submission of a Flood Risk Assessment (FRA) which was submitted and the EA was subsequently consulted.

5.6.2 The NPPF seeks to steer new development away from areas of highest risk of flooding, but where necessary, making it safe without increasing risk of flooding elsewhere. The tests that authorities have to apply to comply with are the guidance within the NPPF and are the Sequential Test and Exception Test.

5.6.3 The guidance within the NPPF is also replicated within approved policy D5 of the LDP with the criterion of that policy requiring all new development to be directed to areas of lower flood risk such as Flood Zone 1. To minimize the risk of flooding, development must;

- Not increase flood risk on site or elsewhere
- Be located in areas where the use is compatible
- Demonstrate the Sequential and if necessary the Exception Tests
- Demonstrate how it will maximize opportunities to reduce causes and impacts of flooding through, for example SuDS, flood resilient design etc.

5.6.4 As set out in the NPPF the aim of the Sequential Test is to steer new development to areas of lowest probability of flooding. Development should not be allocated if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The proposal represents the extension of an existing building rather than a new use and the site is within a designated and allocated Employment Zone and is therefore considered to pass the sequential test.

5.6.5 For the Exception Test to be passed, it must be demonstrated that the development provides wider community benefits that outweigh flood risk and a site specific flood risk assessment must demonstrate that the development is both safe for its lifetime and does not increase flood risk elsewhere and where possible will reduce flood risk overall.

5.6.6 In terms of wider community benefits, the proposal would result in an increase in floor space for employment use which falls within an employment zone as designated by approved policy E1 of the LDP. This policy states that the Council needs to build upon the District's economic strengths, provide a wide range of job opportunities for the future and will encourage employment generating development and investment in the long term growth vision outlined in the Council's Economic Prosperity Strategy. The proposal is therefore considered to result in wider community benefits.

5.6.7 Despite a Flood Risk Assessment and revisions being submitted, the Environment Agency maintained a holding objection in principle to the development as it failed to

satisfy onsite flood storage compensation and could not demonstrate that risk will not be increased elsewhere. Therefore, whilst it was acknowledged that the applicant had submitted further information in support of this, until a positive response could be received from the Environmental Agency, the local planning authority could not support the proposal.

- 5.6.8 Subsequently, in support of their submission, the applicant submitted a design revision to the roller shutter doors which would result in their opening to a height of between 150 and 200mm above the ground level in a flood event. This would result in a net gain to flood storage on site as the existing building together with the proposed extensions would then flood. Whilst the Environment Agency acknowledges that an existing building could flood, this would take time and not be to the benefit of the overall flood plain. The proposed solution is considered acceptable by the Environment Agency providing the Local Planning Authority are satisfied that this can be controlled by way of a planning condition appended to any grant of permission.
- 5.6.9 Such a condition for the installation of automatic doors is considered acceptable in this instance, together with an appropriate condition to ensure maintenance and testing is carried out for efficacy during its lifetime.
- 5.6.10 It is therefore considered that the proposed development passes the Sequential and Exception Test, has been supported by a satisfactory Flood Risk Assessment and now accords with approved policy D2 of the LDP and the provision and guidance contained within the NPPF and the Technical Guide to the NPPF and the NPPG.

## **5.7 Other Considerations**

- 5.7.1 It is noted that the Town Council and the Council's Environmental Health Service have no objection to the scheme and there are no conditions recommended by either the Environmental Health Service or the Highway Authority.
- 5.7.2 The Essex County Council SuDS Team has been consulted on the proposal. However, their response states that they will only comment on major applications that create over 1000m<sup>2</sup> of impermeable ground floor area. As the development at ground floor level would only extend to 740m<sup>2</sup>, no further comment will be made that consultee on the application other than advisory notes that require the LPA to consider drainage proposals and flood risk which is it considered to have undertaken and which are referenced in preceding sections of this report.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/14/00725** - Change of use from B2 General Industrial to B8 Storage and Distribution including equipment, parts and vehicles. Approved 19 September 2014

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support.	The comments of the Town Council are noted and have been addressed in the report.

### 7.2 External Consultees

Name of Internal Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Highway Authority are noted
Environment Agency	3 <sup>rd</sup> Response: The EA are satisfied that the previous holding objections can be removed providing the building can be made safe for its lifetime and subject to an appropriate condition and that the Sequential Test can be passed.	The comments of the EA are noted and have been addressed in detail in Section 5.6 of the report.
Essex Sustainable Drainage Systems (SuDs) Team	No Objection. The team only comments on major applications that create over 1000m <sup>2</sup> of permeable surface. Therefore the application would not fall within the criteria where comment is required.	The comments of the SuDS Team are noted.

### 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection.	The comments of the Environmental Health Team are noted and have been addressed in the report.
Conservation Officer	No Objection. The proposal would cause no harm to the significance or character and appearance of the	The comments of the Conservation Officer are noted and have been addressed in the report.

Name of Internal Consultee	Comment	Officer Response
	Conservation Area.	
Urban Design Officer	No Objection However, consideration must be given to the Central Area Master Plan and the Causeway Regeneration Scheme. Particular attention must be paid to trees and scrub both on and off-site.	The comments of the Urban Design Officer are noted and have been addressed in the report

**7.4 Representations received from Interested Parties (summarised)**

7.4.1 No letters or representation were received at the time of writing this report.

**8. PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) The Town & Country Planning Act
2. The development hereby permitted shall accord with that shown on drawing reference, 001 Rev A, 002 Rev B, 003 Rev B, 004 Rev B, 005, 006 Rev A, 007 Rev A, 008 Rev A, 009 Rev A, 010 Rev A, 011 Rev A, which are specifically referenced on the decision notice and form part of this permission.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The development hereby approved shall be constructed of materials and finish as stated within the application.  
REASON: To ensure that the development is carried out in accordance with the details as approved and in order to meet the requirements of policy D1 of the Maldon District Local Development Plan.
4. The measures contained within the Flood Risk Assessment a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the first occupation of the development and retained in perpetuity.  
REASON: To ensure that maximum flood protection is enjoyed by potential occupiers of the development hereby permitted and to reduce the damage a flood may cause, in accordance with policy D5 of the approved Maldon District Local Development Plan and the guidance and provision as contained.
5. A scheme for the provision and implementation of flood proofing and management measures, which shall include details of the retracting roller shutter doors and their maintenance and testing regime shall be submitted to and agreed in writing with the local planning authority. The agreed scheme and shall be implemented prior to the first beneficial use of the development hereby approved and retained in perpetuity.  
REASON: To ensure that maximum flood protection is enjoyed by potential occupiers of the development hereby permitted and to reduce the damage a flood may cause, in accordance with policy D5 of the approved Maldon

District Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

6. No development shall commence until information has been submitted and approved in writing by the local planning authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required
- Trees to be retained
- Tree retention protection plan
- Tree constraints plan
- Arboricultural implication assessment
- Arboricultural method statement. (Including drainage service runs and construction of hard surfaces).

The protective fencing and ground protection shall be retained until all equipment, machinery and surplus materials have been removed from the site. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority. The tree protection measures shall be carried out in accordance with the approved detail.

REASON: To secure the retention and protection of the trees within and adjacent to the site in the interests of visual amenity and the character of the area in accordance with policy D1 of the approved Maldon District Local Development Plan.