



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
24 JANUARY 2018**

Application Number	FUL/MAL/17/00827
Location	Maldon And District Sea Cadets Land Adjacent Council Depot Park Drive Maldon
Proposal	Retrospective - Erection of one single-storey building to accommodate two classrooms and one storage area.
Applicant	Mrs Tracey Temme - Maldon & District Sea Cadets
Agent	Ronald Cross Architectural & Planning Services
Target Decision Date	12.01.2017 Extension of Time: 26.01.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

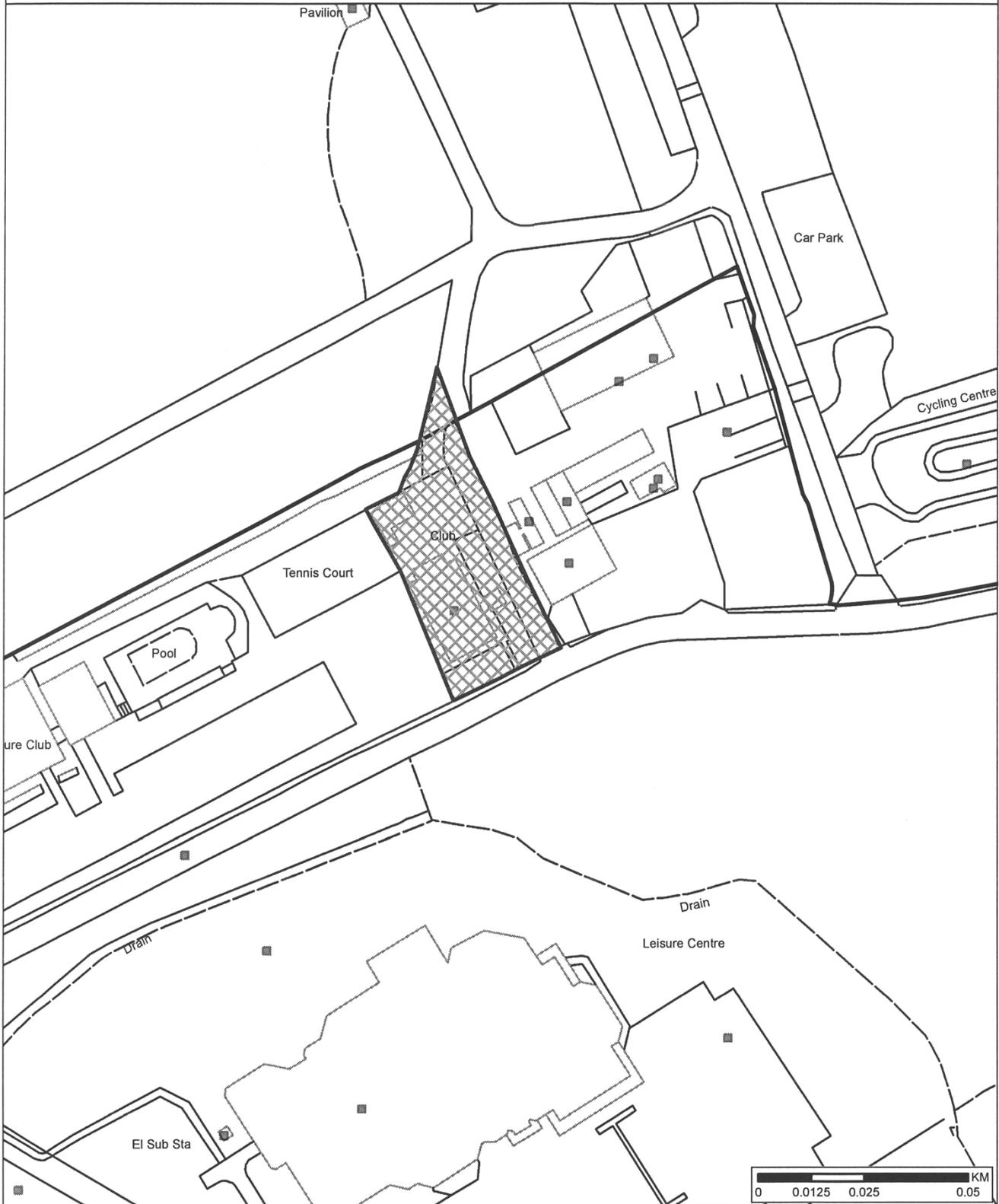
1. **RECOMMENDATION**

APPROVE subject to conditions as details in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Maldon And District Sea Cadets - Land Adjacent Council Depot - Park Drive
Maldon FUL/MAL/17/00827



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 Maldon District Council 100018588 2014

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Area Committee
Date:	12/01/2018
MSA Number:	100018588

3. SUMMARY

3.1. Proposal / brief overview, including any relevant background information

3.1.1. Planning permission is sought for the erection of a single-storey building to be used for two classrooms and a storage area in association with the established use of the site. The development appears to be at an advanced stage. Therefore, the application is retrospective in nature. The building measures 3.6m wide by 14.4m deep. It has a mono-pitched roof with a shallow slope and a maximum height of 2.7m. The external materials to be used will match the main building on site. The building is located between 0.5m and 2.5m away from the eastern boundary fence of the site.

3.1.2. The application site lies to the east of Park Drive, within the development boundary for Maldon and Heybridge. The site also lies within the leisure quarter as identified in the Local Development Plan (LDP) and is part of the Promenade Park, a historic park. To the east of the site is the Council's depot, while to the south, behind a densely vegetated area is Blackwater Leisure Centre. To the north lies Promenade Park and to the west there are other buildings associated with recreational uses. Access to the site is taken off Park Drive and via two smaller roads leading to the car parks in the Promenade. Part of the site lies within a flood zone and the land used to be a landfill.

3.2. Conclusion

3.2.1. It is considered that the development would be acceptable and would not result in any detrimental harm upon the character and appearance of the area, the residential amenity of neighbouring occupiers or highway safety. Moreover, the use of the development is not considered vulnerable to flooding nor it is considered that there would be harm from land contamination, subject to an appropriately worded condition. Therefore, the proposal is in line with policies S1, S5, D1, D2, D5 and T2 of the LDP as well as the guidance provided within the National Planning Policy Framework (NPPF).

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:

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications

4.2. Maldon District Local Development Plan approved by the Secretary of State:

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- 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
- E3 Community Services and Facilities
- T2 Accessibility
- I1 Infrastructure and Services

4.3. Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Car Parking Standards
- Maldon District Council Design Guide SPD

5. MAIN CONSIDERATIONS

5.1. Principle of Development

- 5.1.1. The application is for the provision of facilities in association with the existing use of the site. The site lies within the Leisure Quarter of the Maldon and Heybridge Central Area, and the existing use is in line with the aims of policy S5 of the LDP. Furthermore, policy E3 of the LDP states that the Council will seek to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. The proposed development would provide a community facility. Therefore, the principle for a proposal of this nature is acceptable. Other material planning considerations are discussed in the following sections of the report.

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.
- 5.2.2. 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. 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”*.
- 5.2.3. This principle has been reflected to the approved LDP. 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: -

- a. Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b. Height, size, scale, form, massing, and proportion;
 - c. Landscape setting, townscape setting and skylines;
 - d. Layout, orientation, and density;
 - e. Historic environment particularly in relation to designated and non-designated heritage assets;
 - f. Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g. Energy and resource efficiency.
- 5.2.4. The site is part of a historic park, which is considered to be a heritage asset. Policy D3 of the LDP states that development which affects a heritage asset would be required to preserve or enhance its special character, appearance, setting (including its streetscape and landscape value) and any features and fabric of architectural or historic interest.
- 5.2.5. The building is of a rudimentary and functional appearance which is of limited architectural merit. However, the setting around this part of the park is characterised by the utilitarian style of the buildings which occupy it. As such it is considered that the impact on the character of the heritage asset is neutral. With regard to the scale/bulk and height of the proposal, the size of the building is considered to appear compatible within the context of the site and subservient to the main building. The use of materials to match the main building is considered appropriate. The impact to adjacent trees is not considered to be detrimental. Hence, the proposal and its impact in the surrounding area would be in line with the relevant stipulations of policies S1, D1 and D3 of the LDP.

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.
- 5.3.2. The building is located away from any residential properties. Therefore, any impact would be negligible in line with the relevant stipulations of policy D1 of the LDP.

5.4. Access, Parking, and Highway Safety

- 5.4.1. 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. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.4.2. The proposal has not altered the access or parking arrangements on site. Nevertheless, the development when in use would attract a higher number of visitors on site. Although the parking provision on site is limited; approximately four cars can park and manoeuvre on site, and the required total provision of ten spaces (one space per 22m² of assembly or leisure use plus one space per 150m² of storage use) cannot be met on site, the area is central, with good connections to public transport and off-street provision of parking. In this instance, the requirement for on-site parking provision could be waived. As the requirements for parking on site have not been altered either, the development is in line with policies D1 and T2 of the LDP and the guidance contained within the NPPF.

5.5. Infrastructure and Community Facilities

5.5.1. The Council will work to maintain and improve infrastructure provision in the District by ensuring that existing infrastructure and services are protected and/or improved to meet the existing and future needs of the District. Moreover, the Council seeks to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. It is considered that the building meets these objectives and therefore the development is considered acceptable and in line with policies E3 and I1 of the LDP.

5.6. Flood risk

5.6.1. The development will not include any sleeping accommodation and will be used in relation to water-based recreation. Thus, it is considered to be a water compatible development in line with the national guidance contained in the Planning Policy Guidance (PPG). The surface water will be drained with a soak away. Moreover, it should be noted that the area around the building and where the building is now located, is covered by hard surfaces which appear to be permeable. It is not considered that the development would significantly increase the risk of flooding elsewhere. As such, the proposal is acceptable in terms of policy D5 of the LDP.

5.7. Land Contamination

5.7.1. The site was part of a historic landfill site. Policy D2 of the LDP states that, where appropriate, development will include measures to remediate land affected by contamination and locate development safely away from any hazardous source. It should be noted that the use proposed for the building is already taking place within the site. Planning permission was granted in 2009 for the main building on site. The application is supported by a soil sample analysis certificate dated 27 January 2011. Nevertheless, this analysis is unclear whether it is site specific or what the outcomes are in relation to the risk on human health from land contamination. A condition to require more details about the land contamination and to identify any necessary mitigation measures would be in line with policy D2 and would meet the six tests of the national guidance.

5.8. Other Material Considerations

5.8.1. Sustainability – On the basis of the previous analysis it is considered that the development is sustainable in line with policy S1 of the LDP and the presumption contained in the NPPF.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00347**– Erection of seven 3m modules of Integra Buildings Ltd, structure with in situ foyer extension to form classrooms and headquarters building, stationing of 12m container to form equipment and workshop unit and erection of 6m high flag pole. WITHDRAWN [22.05.2009].
- **FUL/MAL/09/00567** – Erection of seven 3m. modular buildings with insitu foyer extension to form classrooms and headquarters building; stationing of 12m. container to form equipment store and erection of up to 6m. high flag pole with associated access into site and security boundary fences. APPROVED [19.11.2009]
- **DET/MAL/11/05019** – Compliance with condition 3 of FUL/MAL/09/00567. CONDITION CLEARED.

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.	Noted.

7.2. Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority	No comment – The development is minor and therefore highly unlikely to have an impact to flooding.	Noted.
Environment Agency	No comment – Historic landfill information was passed to the Council in 2007.	Noted.
Highways Authority	No objection.	

7.3. Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Object – Further information on land contamination should be submitted before permission is granted.	See section 5.7 of the report.
Conservation Officer	No objection.	Noted.

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

7.4.1. No letters or representations were received for this application.

8. **PROPOSED CONDITIONS**

1. Within six months of the date of this decision, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), together with, if any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development, shall have been submitted in writing to the local planning authority for approval. Where identified as being necessary in the approved assessment/report, the site shall be remediated in accordance with the approved measures and timescale and a verification report demonstrating the effectiveness of the remediation carried out shall be submitted in writing to the local planning authority for approval within 14 days of the report being completed.
REASON: To ensure that public health is protected from land contamination in line with policy D2 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The building hereby permitted shall only be used for the accommodation of classrooms in association with lessons for recreational activities or for storage purposes in association with the lessons and/or the recreational activities taking place on site.
REASON: To protect the character of the area and in the interest of minimizing the exposure of vulnerable uses to flood risk in line with policies D1 and D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building on site.
REASON: To protect the character and appearance of the area in line with policy D1 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.