

MEMBERS' UPDATE

HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

22 January 2019

Dear Councillor

CENTRAL AREA PLANNING COMMITTEE - WEDNESDAY 23 JANUARY 2019

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

5. **FUL/MAL/18/01032 - Units At Bentalls Industrial Complex, Colchester Road, Heybridge** (Pages 3 - 4)
7. **FUL/MAL/18/01365 - South Embankment, Northey Island, Maldon** (Pages 5 - 8)

Yours faithfully



Head of Paid Service

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**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
23 JANUARY 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	18/01032/FUL
Location	Units At Bentalls Industrial Complex Colchester Road Heybridge Essex CM9 4NW
Proposal	Section 73A application for the change of use to storage and distribution (Use Class B8).
Applicant	Mr A Gunn
Agent	Mrs C Legg - Smart Planning Ltd
Target Decision Date	11.01.2019 E.o.T. 25 January 2019
Case Officer	Spyros Mouratidis
Parish	Heybridge
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers

8. PROPOSED CONDITIONS

4. No process, loading or unloading shall be undertaken outside the buildings.

REASON To ensure appropriate use of the site in the interests of protecting the amenities of adjacent occupiers in accordance with local policies D1 and D2 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

8. The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within three months of the date of this decision a scheme, including a timetable for its implementation, to provide at least eleven (11) covered and secure cycle parking spaces within the Application Site shall have been submitted for the written approval of the local planning authority; or
 - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;

- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State
- iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

REASON To ensure appropriate parking provision exists on site and to encourage the use of bicycles in line with local policies D1, T1, T2 and I2 of the approved Local Development Plan, the guidance provided in the Maldon District Vehicle Parking Standards (2018) Supplementary Planning Document and national policies contained in the National Planning Policy Framework.

- 9. The submitted Flood Warning and Evacuation Plan prepared by Smart Planning with reference 18.5388 shall be available at all time on the premises and its conclusions shall be adhered to in perpetuity.

REASON To ensure there is adequate protection against the risk of flooding in line with local policy D5 of the approved Local Development Plan and national policies contained in the National Planning Policy Framework.

**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL ARE PLANNING COMMITTEE
23 JANUARY 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 7

Application Number	FUL/MAL/18/01365
Location	South Embankment Northey Island Maldon
Proposal	Removal of concrete blocks facing embankment. Infilling of borrow ditch and lowering of embankment to allow saltmarsh habitat creation behind (0.15ha). Construction of closing bank to prevent flooding to adjacent field to east. Repair to section of embankment to west.
Applicant	Mrs Nina Crabb - The National Trust
Agent	Mrs Nina Crabb - The National Trust
Target Decision Date	12/02/19
Case Officer	Kathryn Mathews
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Major application Member call-in by Councillor Miss Miriam R Lewis in the public interest - particularly concerned about the conflict with our SMP and the adopted "hold the line" position. Member call-in by Councillor Mrs Brenda D Harker in the public interest. Member call-in by Councillor Stephen J Savage at the request of Maldon Town Council and public interest.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex and Suffolk Water	No apparatus located in the proposal and no objection to the proposed car/vehicle parking area	Noted.

7.4 Representations received from Interested Parties (summarised)

- **One** further letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Northey Island very important asset – calming breakwater, without it upper reaches would become shallow and a risk for navigation, reduces wave action, provides shelter to its west for water sports	The scheme is intended to protect the island from flooding and land loss in the long term
Would not protect, enhance and ensure the longevity of the island	The scheme is intended to protect the island from flooding and land loss in the long term
Contrary to Policy S1 as would increase flood risk	Refer to section 5.6 of report
Contrary to Policy D1 as sea bank non-designated heritage asset	The Conservation Officer has not identified the existing sea wall as a heritage asset
Contrary to Policy N1 as would destroy feature of historic interest and damage nature	Refer to sections 5.3 and 5.7 of report
If sediment recharge going ahead at north of island extended to this site, existing sea bank would remain safe for many decades	A refusal of planning permission on this basis could not be justified
Any project which changes tidal flows and channels can have an adverse impact on neighbouring properties	It is not predicted that the proposal would materially affect neighbouring properties
Suggests that the scheme is a small part of a larger National Trust scheme	There is no indication as part of the application that this is the case

In response to the letter of objection referred to in section 7.4 of the agenda report, the applicant has advised that there has been ongoing consultation with the tenant farmer over the past 4 years and there is no intention to impede farming activities in anyway. The final details are to be discussed once a contractor has been appointed.

8. **PRE-COMMENCEMENT CONDITIONS**

- 8.1 Pre-commencement conditions (relating and construction management) are recommended. The applicant/agent agreed to the conditions relating to flood risk (condition 3) and archaeology (conditions 4 and 5) on 10 January 2019 but, as the applicant has since confirmed that no changes to the CEMP are envisaged, condition 9 no longer needs to be a pre-commencement condition. Therefore, it is recommended that the wording of recommended condition 9 is amended to read as follows:-

9. PROPOSED CONDITIONS

- 9 The development shall be carried-out in accordance with the Construction Management Plan dated 21 January 2019. REASON To prevent disturbance pollution and impacts on habitats in accordance with Policies S1, S8, D1, D5, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

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