

APOLOGIES Committee Services  
Email: Committee.clerk@maldon.gov.uk

DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

31 August 2021

Dear Councillor

You are summoned to attend the meeting of the;

**NORTH WESTERN AREA PLANNING COMMITTEE**

on **WEDNESDAY 8 SEPTEMBER 2021** at **7.30 pm**

in the **Council Chamber. Maldon District Council Offices, Princes Road, Maldon.**

Please Note that due to social distancing and space limitations, we require any members of the public or press who wish to attend physically and observe or speak under Public Participation rules at this meeting to complete [a request form](#) (to be submitted by 12noon on the working day before the Committee meeting). This will be reviewed and managed according to capacity of the meeting and whether any other persons have already registered.

The Committee meeting will still be live streamed via the [Council's YouTube channel](#) for ease of viewing.

A copy of the agenda is attached.

Yours faithfully

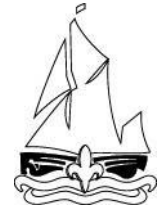


Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN	Councillor Mrs M E Thompson
VICE-CHAIRMAN	Councillor J V Keyes
COUNCILLORS	M F L Durham, CC
	Mrs J L Fleming, CC
	K W Jarvis
	C P Morley
	R H Siddall
	E L Stephens
	Miss S White





**AGENDA  
NORTH WESTERN AREA PLANNING COMMITTEE**

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**WEDNESDAY 8 SEPTEMBER 2021**

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 14 July 2021, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **21/00554/FUL - The Essex Wildlife Trust Nature Reserve, Blue House Farm, Blue, House Farm Chase, North Fambridge** (Pages 17 - 32)

To consider the report of the Director of Service Delivery (copy enclosed, Members' Update to be circulated)\*.

6. **Any other items of business that the Chairman of the Committee decides are urgent**

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**Note:**

1. The Council operates a facility for public participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No 5.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing [the online form](#) no later than noon on the working day before the Committee meeting.
4. For further information please see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

## **NOTICES**

### **Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session.

### **Fire**

In the event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

### **Closed-Circuit Televisions (CCTV)**

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

### **Supplementary Planning Guidance and Other Advice**

- i) Government policy and guidance
  - National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010

## Supplementary Planning Guidance and Other Advice (continued)

### ii) Essex County Council

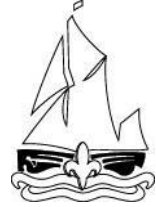
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework – 2014 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

All Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.

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**MINUTES of  
NORTH WESTERN AREA PLANNING COMMITTEE  
14 JULY 2021**

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**PRESENT**

Chairman	Councillor Mrs M E Thompson
Vice-Chairman	Councillor J V Keyes
Councillors	M F L Durham, CC, Mrs J L Fleming, CC, C P Morley, R H Siddall, E L Stephens and Miss S White
In attendance	Councillor C Morris

**144. CHAIRMAN'S NOTICES**

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

**145. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor K W Jarvis.

**146. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 16 June 2021 be approved and confirmed.

**147. DISCLOSURE OF INTEREST**

Councillor M F L Durham declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a statutory consultee on all planning related matters.

Councillor E L Stephens declared a non-pecuniary interest in Agenda item 6, 21/00415/FUL - Land North of Orchard Way, Mope Lane, Wickham Bishops, as she was an acquaintance of the Officer.

**148. 21/00104/FULM - LAND WEST OF FAMBRIDGE ROAD, NORTH FAMBRIDGE**

<b>Application Number</b>	<b>21/00104/FULM</b>
<b>Location</b>	Land West of Fambridge Road, North Fambridge
<b>Proposal</b>	12No. dwellings with associated details for access, appearance, landscaping, layout and scale.

<b>Applicant</b>	BDW Eastern Counties - BDW Eastern Counties
<b>Agent</b>	N/A
<b>Target Decision Date</b>	05.05.2021 – EOT until 19.07.2021
<b>Case Officer</b>	Julia Sargeant
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation, the Agent, Mr Chris Webber, addressed the Committee.

A debate ensued during which Members raised concerns regarding the lack of public consultation given the size of the commercial space involved and the sustainability of the development.

In response to comments raised, the Lead Specialist Place advised Members that the space had been marketed appropriately and that Planning Officers, on balance, considered that the benefits of the proposed development outweighed any harm. He added that this application was part of a larger site (14/01016/OUT) that had been found to be sustainable and acceptable for housing.

Following this discussion Councillor White proposed that the development was not sustainable as there were no facilities in the area. She further added that marketing of the site should be revisited as it was ineffectively marketed due to Covid. Councillor Fleming seconded the proposal as she was not convinced there was no demand for shops in the area.

There being no further discussion at this point, the Chairman put Councillor White's proposal to the committee and it was lost.

The Chairman then put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was approved.

**RESOLVED** that the application be **APPROVED** subject to the following 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 complete accordance with approved drawings: H7408-3B-DE-611 Rev P1, H7408-3B-DE-621 Rev P1, H7408-3B-DE-622 Rev P1, H7408-3B-SO-625 Rev P1, H7408-3B-SP-600 Rev P1, H7408-3B-SP-610 Rev P1, H7408-3B-SP-620 Rev P1, H7408-3A-SP-001 Rev A, H7408-3A-SP-002, H7408-3A-SP-003, H7408-3A-SP-004, H7408-3A-SP-005, H7408-3A-SP-006, H7408-3A-SP-007, H7408-3A-SP-008, H7408-3A-SP-009, H7408-3A-SP-010, H7408-3A-SS-001 Rev A, JBA17 005-10 Rev D, JBA17/005-SK02 Rev B, Cycle-2A-CS-001 Rev A, 890372 RSK C ALL 02 01 01 Rev P04, 890372 RSK C ALL 04 01 01 Rev P04, 890372 RSK C ALL 05 01 01 Rev P04, 890372 RSK C ALL 05 02 01 Rev P05, 890372 RSK C ALL 06 01 01 Rev P04, B7X3DG-EL, B7X3DG1-FP, B7X3DG2-FP, H436-ELR, H436-FL, H469-EL, H469-FL, H421-EL, H421-FP, P341-BW-EL, P341-BW-FL, P204-FP-EL, SH50-FP-EL, SF58/59-FP-EL-DET, SH73-EL, SH73-FP.
- 3 The materials used in the external construction of the development hereby approved shall be as set out within the application form and plans
- 4 Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as



- shown on plan references JBA17 005-10 Rev D and JBA17/005-SK02 Rev B and specifications attached to and forming part of this permission shall be fully implemented. 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 replacement for it, is removed, uprooted or destroyed or 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 at the same place, unless the local planning authority gives its written consent to any variation.
- 5 Prior to the first occupation of the development hereby permitted the hard landscape works and boundary treatments as shown on plan reference H7408-3A-SP-008 shall be carried out and retained as such thereafter.
  - 6 The foul drainage for the development shall implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020 with foul drainage connecting to the new rising main to be discharged at South Woodham Ferrers treatment works.
  - 7 The surface water drainage for the development shall be implemented prior to the first occupation of the development in accordance with the Drainage Statement – 890372-R1(3) dated February 2020.
  - 8 The applicant or any successor in title must maintain yearly logs of the maintenance of the SuDS system which should be carried out in accordance with any approved Maintenance Plan (appendix F of the Drainage Statement – 890372-R1(3) dated February 2020). These must be available for inspection upon a request by the Local Planning Authority.
  - 9 The development hereby approved shall be carried out in accordance with the Construction Management Plan Revision C dated 20.01.2021 unless otherwise agreed in writing by the Local Planning Authority.
  - 10 Prior to first occupation of the development, and as shown in principle on planning drawing H7408-3A-SP-002. Each vehicular access shall be constructed at right angles to the highway boundary and to the proposed carriageway.
  - 11 Prior to first occupation of the development, the onsite vehicle parking shall be provided as shown in principle on planning drawing H7408-3A-SP-002. Each parking space shall have dimensions in accordance with current parking standards. Furthermore, a fast charging point shall be provided adjacent to at least one parking space for each new dwelling. The vehicle parking areas shall be retained in the agreed form at all times.
  - 12 Prior to first occupation of the development, the cycle parking as shown on plan references H7408-3A-SP-005 and CYCLE-2A-CS-001 shall be provided. The approved facility shall be secure, convenient, covered and retained at all times.
  - 13 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  - 14 There shall be no discharge of surface water onto the Highway.
  - 15 Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to the Local Planning Authority for approval in writing. These approved schemes shall be carried out before the development is resumed or continued. Following

completion of measures identified in the approved remediation scheme, a verification report demonstrating the effectiveness of the remediation scheme carried out must be submitted to the Local Planning Authority for approval in writing.

- 16 The development shall be carried out to ensure that all mitigation and enhancement measures as detailed in the Ecology Walkover Letter (JBA, January 2020) and the Landscape Masterplan (JBA, February 2020) and the Addendum to the Ecological Walkover Letter (JBA, May 2021) are carried out.

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.

- 17 There shall be no external lighting of the development unless otherwise agreed in writing by the local planning authority.
- 18 No works above ground level associated with the development hereby approved shall take place until a strategy to facilitate superfast broadband for the future occupants of the dwellings hereby approved, either through below ground infrastructure or other means, has been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the agreed details.

### **INFORMATIVES**

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### **149. 21/00415/FUL - LAND NORTH OF ORCHARD WAY, MOPE LANE, WICKHAM BISHOPS**

<b>Application Number</b>	<b>21/00415/FUL</b>
<b>Location</b>	Land North of Orchard Way, Mope Lane, Wickham Bishops
<b>Proposal</b>	Creation of a 4/5 bedroom dwelling and garden
<b>Applicant</b>	Erica and Claire Webber and Koch
<b>Agent</b>	Karen Fardell - Plater Claiborne Architecture And Design
<b>Target Decision Date</b>	EOT 15.07.2021
<b>Case Officer</b>	Hayleigh Parker-Haines
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Departure from Local Plan

Following the Officer's presentation, Wickham Bishops' Parish Councillor Ian Wardrop, and the Agent, Ms Karen Fardell, addressed the Committee.

There was overall support for the application from the start of the debate. As a result of this the Chairman moved the Officer's recommendation to approve the application and this was seconded by Councillor Morley.

Prior to putting the recommendation to the vote Councillor Durham indicated a wish to speak. He said that although the application did not meet recognised housing need it did fit the street scene which was predominantly large houses and that smaller dwellings would appear incongruous. He said he took on board the Parish Council's concerns, however, it was with a heavy heart he was supporting the application this time round as without a 5 year housing land supply and given the decision of the committee last time round, which was a material planning consideration, the Council would be in a difficult situation should it be refused.

Councillor Siddall concurred with Councillor Durham and asked about preservation of the orchard. The Officer assured the Committee that this was covered under conditions 11, 12 and 15 respectively.

There being no further discussion the Chairman put the Officer's recommendation to approve the application to the Committee. Upon a vote being taken it was unanimously approved.

**RESOLVED** that the application be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2019/loc01, 2019/02, 2019/03, 2019/04, 2019/05, 2019/06, 2019/07 and 2019/08
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
- 4 Prior to the occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include, for example:
  - i. Proposes finished levels contours;
  - ii. Hard surfacing materials;
  - iii. Planting details.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development 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.

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

- 5 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:
  - 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required: details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 6 No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 7 Prior to occupation of the dwelling hereby approved, the upgraded vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Block Plan Layout drawing 2019/03
- 8 There shall be no discharge of surface water onto the Highway.
- 9 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway
- 10 There should be no obstruction above ground level within a 2.4m parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. 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.
- 11 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). All mitigation and enhancement measures shall be provided within the identified times frames within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021) or where no timeframes are stated within six months of first occupation of the dwelling hereby approved. The mitigation and enhancement measures shall be retained in perpetuity.
- 12 A Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the local planning authority following the recommendations made within the Preliminary Ecological Appraisal (T4 Ecology Ltd, June 2021). The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance.

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

- 13 Prior to occupation of the dwelling a lighting design scheme for biodiversity 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 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 locations 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.

- 14 Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 15 No operations shall commence on site, including any site clearance or groundworks, unless and until a tree protection method statement, prepared in accordance with BS5837:2012, has been submitted to and approved in writing by the local planning authority. The statement is to include a tree protection plan and ground protection measures for all those trees and areas of vegetation shown as being retained on drawing No 2019|03 and supporting information plan 001 C. Development shall be carried out in accordance with the measures set out in the approved statement during the construction period. No trees or vegetation retained pursuant to this condition shall be cut down, removed or uprooted without the prior written approval of the local planning authority.

## **INFORMATIVES**

1. The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is constructed to accommodate the size and weight of the Council's collection vehicles.
2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated

land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

3. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

Where it is necessary to work outside of these recommended hours the developer and builder should consult the local residents who are likely to be affected and contact the Environmental health Team for advice as soon as the work is anticipated.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.

**150. 21/00594/FUL - BARNs ADJACENT TO MOSKLYNS FARM, CHELMSFORD ROAD, PURLEIGH, ESSEX**

<b>Application Number</b>	<b>21/00594/FUL</b>
<b>Location</b>	Barns Adjacent To Mosklyns Farm, Chelmsford Road, Purleigh, Essex
<b>Proposal</b>	Partially retrospective alterations to barn, conversion to a dwellinghouse and associated works.
<b>Applicant</b>	Mr And Mrs Robert & Susan Strathern
<b>Agent</b>	Mr Mike Otter - GPO Designs Ltd
<b>Target Decision Date</b>	22.07.2021
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>PURLEIGH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by Councillor Mrs J L Fleming Reason: D1A, D1E, S1. 12, S8

A Members' Update had been circulated prior to the meeting that detailed additional consultations and representations, including 15 letters in support of the application.

Following the Officer's presentation, the Applicant, Ms Katy Strathern, addressed the Committee.

The chairman opened the debate and a discussion ensued during which Members commented on the access to local amenities, sustainable development and how the

application was partially retrospective as work had already begun to the adjoining barn which had been granted planning permission at Committee on the 11 February 2021.

The Lead Specialist Place reminded Members that if approval was granted for the reason that development had already started that would set a dangerous precedent as a reason for approval.

Having spoken earlier in favour of the application Councillor Miss S White proposed that the application be approved, contrary to the Officer's recommendation, for the reason that the development was sustainable. This was duly seconded by Councillor J V Keyes.

The Chairman put Councillor White's proposal to approve the application contrary to the Officer's recommendation and for the aforementioned reason to the committee. Upon a vote being taken it was approved.

**RESOLVED** that the application be **APPROVED** subject to conditions delegated to Officers in consultation with the Chairman.

1. The development is considered to be located in a sustainable location, taking into account the recent Council's decision to approve a similar development on the adjacent site (Application reference number: 20/01154/FUL) and appeal decisions in the surrounding area. Furthermore, consideration has been given to the proposed formation of a footpath and the additional parking spaces introduced since the refusal of application 20/00310/FUL. Moreover, it is considered that the development would not be harmful to the rural character of the area.

The meeting closed at 8.45 pm.

MRS M E THOMPSON  
CHAIRMAN

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
8 SEPTEMBER 2021**

<b>Application Number</b>	<b>21/00554/FUL</b>
<b>Location</b>	The Essex Wildlife Trust Nature Reserve Blue House Farm Blue House Farm Chase North Fambridge
<b>Proposal</b>	Deepening a 22ha. wetland scrape in three locations. Construction of raised walkway, screening bunds, base for wildlife hide and areas above the waterline for roosting and nesting birds. Installation of 2000m of anti-predator fence to a height of 1.8m to replace existing anti-predator fence.
<b>Applicant</b>	Essex Wildlife Trust
<b>Agent</b>	Harry Smith – Essex Wildlife Trust
<b>Target Decision Date</b>	28 September 2021
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>PURLEIGH AND NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

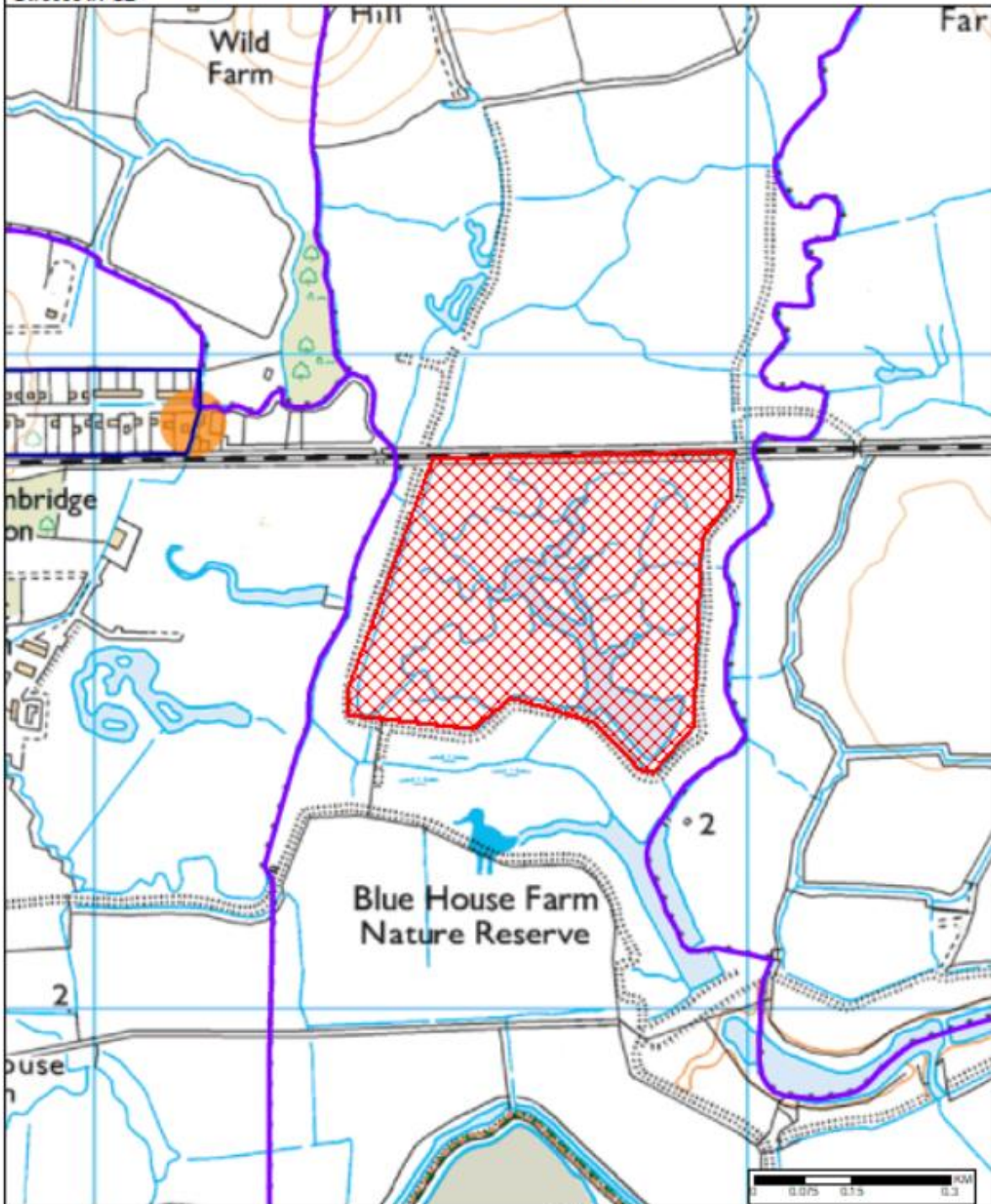
1. **RECOMMENDATION**


**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see below.

**Blue House Farm, Blue House Chase, North Frambridge**  
21/00554/FUL



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: North Western Committee</p>	<p>Date: 27/07/2021</p>
	<p>www.maldon.gov.uk</p>	<p>MSA Number: 100018568</p>

### 3. SUMMARY

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

- 3.1.1 The application site extends to around 22ha. and is located within Essex Wildlife Trust's nature reserve at Blue House Farm, east of North Fambridge The entire reserve, which lies approximately 880m to the north of the River Crouch estuary, is 240ha. and the majority is within a Sites of Special Scientific Interest (SSSI) (Crouch and Roach Estuaries), Ramsar Site (Crouch and Roach Estuaries (Mid Essex Coast Phase 2) and Special Protection Area (SPA) (Crouch and Roach Estuaries (Mid-Essex Coast Phase 3), primarily based on the importance of the reserve's populations of wintering and breeding wildfowl and waders. The intertidal zones of the River Crouch estuary lie south of the site which are subject to the following designations: Marine Conservation Zone (MCZ) (Blackwater, Crouch, Roach and Colne Estuaries), Special Area of Conservation (SACs) (Essex Estuaries) and Special Protection Area (SPAs) (Outer Thames Estuary).
- 3.1.2 The site is within Flood Zone 3a (high probability) but is mostly protected by existing tidal defences.
- 3.1.3 The application site comprises improved grassland. There is a ditch running north-south along the western boundary of the site. The northern boundary is bordered by a railway line. An embankment runs along the eastern, southern, and western site boundaries with an average crest level (**highest level above a certain datum or reference point that a river will reach in a certain amount of time**) of approximately 2.42m above Ordinance Datum (AOD).
- 3.1.4 The site is generally flat but site levels gently slope down in a south-westerly direction. Site levels range from 1.57m AOD in the north-eastern corner to 0.98m AOD in the south-western corner. The average level across the site is approximately 1.23m AOD.
- 3.1.5 The closest residential properties to the site are dwellings situated 420m west at the end of Franklin Road which are elevated at 2.53m AOD, i.e., 1.3m higher than the average site level.
- 3.1.6 Access to the application site is via Blue House Farm Chase, located to the west of the application site which accommodates a public footpath linking Fambridge Road to the north, with the sea wall footpath to the south. There is a permissive footpath into the reserve from Blue House Farm Chase.
- 3.1.7 The development proposed consists of the deepening of the site in three locations through a wetland scrape. The proposal also includes the construction of a raised walkway and associated screening bunds. A base for a wildlife hide and raised islands within and around the scrapes to a height of 1.5m (to create areas above the waterline for roosting and nesting birds) are also proposed along with 2000m of anti-predator fence to a height of 1.8m to replace an existing anti-predator fence.
- 3.1.8 Within the circular shaped scrapes, existing ground levels would be reduced by a maximum of 1.75m and each scrape would cover an area of 4000sq.m. and have a diameter of 71m.
- 3.1.9 Two bund screens, each 3m in width and 3m in height, are proposed either side of a 2.5m wide raised walkway which would be 140m in length and run from the western boundary of the site in a south-easterly direction. The walkway would lead to the proposed raised area where the applicant intends to provide a wildlife hide in the

future. The raised area would measure 15m x 25m and be 1.5m in height to reduce the risk of any hide flooding.

3.1.10 The importation of material would not be required to construct the bund and raised walkway as the earth removed through the scrapes would be used. Works would be carried out during October/November to avoid the ground nesting bird breeding season.

3.1.11 The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment (June 2021)
- Preliminary Ecological Appraisal (May 2021)
- Cross-sections of the proposed scrape, raised walkway and bund screen
- Method Statement for Blue House Farm Wetland Enhancement Project
- Specification for the predator fence – wire mesh with stainless steel posts

### **3.2 Conclusion**

3.2.1 The proposal is considered to be acceptable in principle and would not cause harm to the character or appearance of the area or the amenity of local residents, subject to the imposition of conditions. There are no objections raised in relation to the impact of the works on flood risk/drainage or highway safety/access/parking. The proposal would result in enhancements in relation to nature conservation.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2021 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
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 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 S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development

- Policy D3 Conservation and Heritage Assets
- Policy D5 Flood Risk and Coastal Management
- Policy N1 Green Infrastructure Network
- Policy N2 Natural Environment, Geodiversity and Biodiversity
- Policy T1 Sustainable Transport
- Policy T2 Accessibility

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

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

### **5. MAIN CONSIDERATIONS**

5.1 It is considered that the main issues which would require consideration as part of the determination of this planning application are the principle of the development, the impact on the character and appearance of the area, any impact on the amenity of local residents, highway issues, nature conservation and flood risk/drainage. Archaeology would also be a relevant material consideration.

#### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding unjustified development in flood risk areas, the historic environment, local infrastructure and services, the character and appearance of development, and minimising the need to travel.

5.2.2 The site is located in a rural, coastal location but the proposal relates to works which are anticipated to increase the nature conservation value of the site. Based on this and subject to the assessment of the proposal against all relevant material considerations, as set out below, it is not considered that the proposal, is unacceptable in principle.

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

5.3.1 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.

5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF.

5.3.3 The basis of policy D1 of the approved Local Development Plan (LDP) seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - Height, size, scale, form, massing and proportion;
  - Landscape setting, townscape setting and skylines;
  - Layout, orientation, and density;
  - Historic environment particularly in relation to designated and non-designated heritage assets;
  - Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - Energy and resource efficiency.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.3.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 The proposals, by their very nature, would have some impact on the character and appearance of the estuarine environment which is identified as being highly sensitive to change. The Maldon District Landscape Character Assessment identifies this area as being within 'Fleet Estuarine Marsh/Mudflats' – some of the key characteristics of this area include a landscape pattern of small channels and creeks, diverse and important habitats for wildlife (particularly Brent Geese and other wildfowl) and uncommon flora as well as open long distant views.
- 5.3.7 It is considered however, that the proposal would have a limited and relatively neutral impact on the landscape. The construction works would be of temporary duration, the proposal is of limited geographical extent in the context of the size and scale of the Estuary, and the development would not fundamentally alter any established landform characteristic of the landscape – the elements which involve changing ground levels will not be significant in height and would be limited in the context of the Nature Reserve. Whilst the proposed embankments would be around 1.5m higher than those which currently enclose the application site, embankments are not untypical of the area and there would be no loss of existing vegetation. The design of the predator fencing is functional, but it is considered that it would not be materially harmful to the character and appearance of the area as a result of its height, the materials to be used and the mesh design. Therefore, it is not considered that the development would harm the character or appearance of the rural area within which the site is located.

## **5.4 Impact on Residential Amenity**

- 5.4.1 Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.2 The nearest residential building to the application site is located around 420m west of the proposed development.

- 5.4.3 As a result of the location of the construction works proposed, their temporary duration and the limited access to the site by vehicles required, it is considered that the proposal would not cause material harm to the amenity of any existing residents, subject to the imposition of a condition requiring a construction management plan to be approved, as recommended by the Specialist – Environmental Health.

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

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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.
- 5.5.2 As part of the Design and Access Statement submitted, it is stated that the current vehicle access to the site off Fambridge Road via Blue House Farm Chase (a private unmade track) would be used. Construction vehicles would access the proposed work site through the hardstanding farmyard at Blue House Farm and then through a series of agricultural livestock gates across grazing land to reach the works area. The work will require access for 2-3 standard vehicles and one heavy plant transportation vehicle in addition to a delivery vehicle which will unload and load equipment in the hardstanding yard area. The applicant does not expect the habitat improvement work will result in any significant increase in visitors to the site.
- 5.5.3 The proposal would only give rise to highway safety and parking issues during the construction works. Machinery and equipment required to carry-out the works would need to be delivered to the site but there would be no import/export of material to/from the site (which could be ensured through the imposition of a condition). Parking for workers' vehicles would be provided within an existing farmyard. Essex County Council Highways (ECC) have raised no objection to the proposed works.
- 5.5.4 Based on the above, it is anticipated that the project would have a low number of vehicles accessing the site and no footpath or pedestrian access routes would be altered or impacted. Therefore, it is considered that there will be no impact on the local community that use the site or visitors from further afield and no objection is raised to the proposal on the basis of access, parking or highway safety, subject to the imposition of conditions as recommended below.

## **5.6 Flood Risk and Drainage**

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 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.
- 5.6.2 The site is located within Flood Zone 3 (high risk) although the western part of the site is protected. Parts of the site are also susceptible to surface water flooding.
- 5.6.3 The Environment Agency (EA) has raised no objections to the proposal.
- 5.6.4 In line with the previous application, Officers consider that the proposal would be 'water compatible' development, as defined in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance although the application has been accompanied by a Flood Risk Assessment (FRA).

5.6.5 The FRA submitted concludes as follows:

- *Flood risk associated with the site is predominantly tidally influenced therefore any displacement of flood water as a result of the proposed excavations and island creation will be negligible. As the proposal involves the creation of wetland habitat, the proposal is classified as 'water-compatible' according to NPPF. Flooding at the site is promoted to encourage settlement of waterbirds.*
- *Detailed flood modelling, undertaken in 2018, shows that the site is at risk from flooding during the 200-year and 200-year plus climate change events.*
- *The proposal is not expected to increase flood levels on site, or to third-party land.*
- *LiDAR data indicate that the closest residential dwellings, are elevated at 1.3m higher than the average level of the proposed site. The site is bordered to the east and south by land within the ownership boundary of the Essex Wildlife Trust, and by private agricultural land to the west. The train line to the north of the site is on a raised embankment and is not expected to be impacted.*
- *Any additional water accumulation upstream of the embankment surrounding the site is not anticipated, however if this were to occur, the impact on third-party land would be minimal.*
- *Surface water flood risk is not anticipated to increase outside of the site as a result of the proposal.*

5.6.6 ECC Sustainable Drainage Systems (SuDS) Team have not commented on the current proposal but raised no objection to the previous proposal for similar works (20/00638/FUL) as they did not believe that the proposal would have a negative impact or an increased risk of surface water flooding.

5.6.7 As a result of the differences in ground levels, any increase in flood risk associated with the proposed works would be negligible and the increase in on-site storage of flood water is likely to lead to a reduction in flood risk elsewhere.

5.6.8 Based on the above, no objections to the proposal are raised in relation to drainage and flood risk. However, it is considered that a flood warning and evacuation plan would be required during construction which could be required by condition if planning permission were to be granted.

## **5.7 Nature Conservation**

5.7.1 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.

5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.

5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).

5.7.4 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.

- 5.7.5 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.
- 5.7.6 The site is within an area designated nationally and internationally for nature conservation.
- 5.7.7 With respect to on site impacts, the application is accompanied by a Preliminary Ecological Appraisal (May 2021) which concludes as follows:
- *The site contains low quality terrestrial habitat for Great Crested Newts due to the grazing regime, and the drainage ditch that may be impacted scored 'below average' for suitability using the Habitat Suitability Index calculations. Precautionary measures are recommended.*
  - *The ditch Tn3 has low potential to support Water Voles due to cattle poaching and grazing, though may act as additional habitat. This ditch is only due to be impacted if a culvert is added, and so precautionary measures are recommended, including a pre-works visit by an ecologist if the culvert is required.*
  - *The grassland bund surrounding the wetland scrape has some potentially suitable reptile habitat as it is covered in long grass. This grassland is usually grazed and therefore there is not the ideal thatched layer of grass that reptiles prefer. All four Essex species of reptile have been recorded within the wider reserve. Management should keep all areas within the impact zone around the access gates mown or grazed short in the build up to the works.*
  - *The project will result in an increase in habitat for wintering and breeding wildfowl and waders, in particular species such as Little Ringed Plover. The work is planned to commence in September/October 2021, after any breeding has been completed and no impacts on nesting birds are therefore anticipated. This should be confirmed by survey work in the week prior to the works by early morning breeding bird surveys.*
  - *The site supports Brown Hare, a Species of Principal Importance in England (SPIE), which are not anticipated to be impacted by the proposals. Precautionary measures are provided.*
  - *The area surveyed is not considered suitable for other protected species such as Dormice, Otters and Badger. There are no buildings or trees with bat roost potential within the planning application boundary and therefore no bat roosts will be directly impacted.*
- 5.7.8 Natural England (NE) previously advised (in response to application reference 20/00638/FUL) that the application falls within the Crouch & Roach Estuaries Special Protection Area (SPA) and Ramsar site. From the information available at that time, NE advised that that project could be considered to be directly connected with or necessary to the conservation management of the Crouch & Roach Estuaries SPA and Ramsar site, and therefore a Habitats Regulations Assessment (HRA) was not required. It is noted also that the previous site is of a similar size and located south of this application site (nearer the River Crouch). However, the same conclusion has not been reached by NE in relation to the development currently proposed – NE has advised that a HRA is required, and that further information needs to be submitted to the LPA before the LPA can fully assess the implications of the development on the

designated site. This has been queried by Officers, having regard specifically to the previous comments and determination of the previous application, and as a consequence, a further response from NE is awaited, particularly as NE has also provided the following support for the proposal:

*'this scheme would deliver on several of Defra's 25 year plan objectives, and supports our aim to promote thriving nature and wildlife through landscape scale Nature Recovery Networks by restoring and enhancing sites and species and rebuilding ecosystems across land and sea. The proposed site alterations align with our objective to secure the wildlife value of designated sites for the long term. Additionally, Natural England welcomes improvements to a publicly accessible nature reserve visited by 5,000-6,000 people annually, which will eventually be linked to the forthcoming England Coast Path. This will further enhance opportunities to connect people to the natural environment and nature which is also an objective of Defra's 25 year plan.'*

- 5.7.9 NE also advises that if planning permission were to be granted, construction works should be undertaken outside the peak wintering season (notionally between November to February), that check-clean-dry procedures are used throughout the construction works to avoid spreading the invasive weed, New Zealand pigmyweed (*Crassula helmsii*) and also site excavated soil is re-used within the site rather than being exported off-site. They also advise that if site staff are to act as ecological clerk of works and banksmen during the project as suggested in the Method Statement, these staff need to be suitably qualified and experienced. They also note that site staff are to monitor water retention into spring 2022 and the re-establishing vegetation and advise that there should be provision for planting included for the event that vegetation struggles to re-establish. All of these issues are covered by the conditions recommended below.
- 5.7.10 The Royal Society for the Protection of Birds (RSPB) supported the previous proposal as it was to make a significant improvement to the biodiversity of the improved grassland area.
- 5.7.11 Essex County Council Ecology (ECC) raised no objections to the previously proposed works but recommended that conditions were imposed to secure necessary mitigation and enhancement measures. These conditions are also recommended below.
- 5.7.12 Based on the consultation replies received (subject to a revised response from NE being received) and the information submitted as part of the application, it is considered that the development would be directly connected with the conservation management of the Crouch and Roach Estuaries SPA and Ramsar site and the works would increase the value of the site and its estuarine surroundings for nature conservation, subject to the imposition of conditions as recommended below.

## **5.8 Other Matters**

### **5.8.1 Archaeology**

5.8.2 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out.

5.8.3 ECC Archaeology have not recommended that any conditions are imposed in this case if planning permission were to be granted and so the proposal is acceptable from an archaeology perspective.

## 6. ANY RELEVANT SITE HISTORY

- **99/00580/FUL** – Proposed construction of car park for 20 cars and two bird hides – approved 23.08.1999
- **07/00788/FUL** – Erection of wind pump to improve habitat on nature reserve - approved 13.09.2007
- **08/00818/FUL** – erection of bird hide on nature reserve – approved 11.09.2008
- **15/00544/FUL** – Proposal to carry out environmental improvement works under a 'High Level Scheme' agreement with Natural England. The works would include re-creating wet coastal grazing marsh in two areas of the nature reserve and excavating a new ditch to drain on existing permissive footpath and to provide wildlife habitat - approved 17.09.2015
- **16/00414/AGR** – Prior notification of agricultural or forestry development - excavation/waste material: Restoration of coastal grazing marsh by retaining water – refused 12.05.2016
- **16/00567/FUL** – To carry out environmental improvement works as part of a 'Higher level Scheme' agreement with Natural England. This work includes re-creating wet coastal grazing marsh to provide habitat for internationally important species - approved 10.08.2016
- **20/00638/FUL** - Construction of an earth bund measuring 2,140m around the perimeter of the site (0.5m high and 4m wide) and approximately 3000m of foot drains/ditches around the site and through the site (3m wide and 0.5m deep). Twelve shallow scrapes approximately 2,500m<sup>2</sup> each with a maximum depth of 0.5m. Break-up agricultural land drains at the edge of the site. Construction of concrete, boarded sluice – approved 15.03.2021

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	No response.	Noted
North Fambridge	No response.	Noted

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council SuDS Team	No response but in response to the previous application raised no objection as they did not believe that the proposal would have a negative impact or an increased risk of surface water flooding.	Noted – refer to section 5.6 of report
Natural England	Advises that further information (a Habitats	Noted – however, in response to the previous

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	Regulation Assessment) needs to be provided and that any approval should be subject to limitations.	application (20/00638/FUL) advised that they considered that the project was directly connected with or necessary to the conservation management of the Crouch & Roach Estuaries SPA and Ramsar site, and therefore it did not require further Habitats Regulations assessment - refer to section 5.7 of report.
Environment Agency	No objections.	Noted – refer to section 5.6 of report.
ECC Highways	No objection.	Noted – refer to section 5.5 of report.
ECC Archaeology	No objections and no conditions recommended.	Noted – refer to section 5.8 of report.
RSPB	No response but supported the previous application.	Noted – refer to section 5.7 of report.

### 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Ecology consultant	No objection subject to securing biodiversity mitigation and enhancements including detailed mitigation for species, including Water Vole, Great Crested Newts, reptiles and brown hare, within a Construction Environmental Management Plan for Biodiversity. It is noted that the aim of this proposal is to increase the habitat for wintering and breeding wildfowl and wider, in particular species such as Little Ringed Plover.	Noted – refer to section 5.7 of report.
Specialist – Environmental Health	No objections subject to the imposition of a condition requiring a	Noted – refer to section 5.8 of report.

Name of Internal Consultee	Comment	Officer Response
	construction management plan.	
Tree Consultant	No response.	

#### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

#### 7.5 Pre-commencement conditions

7.5.1 The applicant has confirmed that they have no objection to the imposition of pre-commencement conditions relating to a construction management plan and a flood warning and evacuation plan.

### 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) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings:
  - Location Plan
  - Location Plan – Overview
  - EWT/BHF/RoundMarsh/v1/KH
  - Cross sectionsREASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 No fencing or other means of enclosure (except for the predator fence proposed) shall be erected unless details of the location, height and design of the means of enclosure has been submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved details and retained as such in perpetuity.  
REASON: In the interests of the character and appearance of the area, in accordance with Policies S8 and D1 of the approved Maldon District Local Development Plan and the NPPF.
- 4 There shall be no exportation from the site of any material excavated from the site and no importation of material to the site to raise existing ground levels.  
REASON: In the interests of the amenity of local residents and highway safety, in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan and the NPPF.
- 5 No development shall take place unless and until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include the following:
  - i) the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
    - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
    - b) control measures for mud and dust from site operations and ensuring no dust emissions leave the boundary of the site;
    - c) lighting arrangement for the site during construction;
    - d) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

- e) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- ii) prevent the pollution of ground and surface waters. This will include the location of any hazardous materials including fuel from vehicles and equipment.
- iii) where any soils that are known to be contaminated are being excavated or exposed a site waste plan shall be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care.

**REASON:** In order to minimise nuisances and disruption to local residents and pollution, in accordance with Policies D1 and D2 of the approved Maldon District Local Development Plan and the NPPG.

- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (May 2021), hereby approved.

**REASON:** To conserve and enhance Protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 7 A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**REASON:** To conserve protected and Priority species and allow the local planning authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species), in accordance with Policies S8, D1, N1 and N2 of the approved Maldon District Local Development Plan and the NPPF.

- 8 No development shall take place unless and until a flood warning and evacuation plan for the construction period has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

**REASON:** As the site is located in an area at high risk of flooding, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

- 9 No floodlighting or other external form of illumination of the site shall be provided during construction.

REASON: In order to minimise light spillage in the interests of the character and appearance of the rural area within which the site is located and to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan.

- 10 Construction works shall be carried out only during the months of October and/or November.

REASON: In order to protect wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

- 11 The results of the monitoring of the re-establishment of vegetation shall be submitted to the local planning authority within a year of the commencement of the works hereby approved along with details of a scheme of re-planting (including timing) if vegetation has not re-established. Any re-planting shall be carried-out in accordance with the details approved.

REASON: In order to protect and enhance wildlife habitats, in accordance with the NPPF and Policies D1, N1 and N2 of the Maldon District Approved Local Development Plan and the NPPF.

### **INFORMATIVES**

1. Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency
2. Where there is a requirement to obstruct or alter watercourses a consent under section 23 of the Land Drainage Act must be obtained from Essex County Council.

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