



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
18 MAY 2022**

Application Number	21/01208/FUL
Location	Birchwood Farm, Birchwood Road, Cock Clarks, Essex, CM3 6RF
Proposal	Proposal for the erection of a new storage building for specialist packaging and equipment for Maldon Oyster Company
Applicant	Mr and Mrs Means – Maldon Oyster Company
Agent	Mrs Elizabeth Milne – Whirledge and Nott
Target Decision Date	15.04.2022
Case Officer	Kathryn Mathews
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Departure from the Local Development Plan

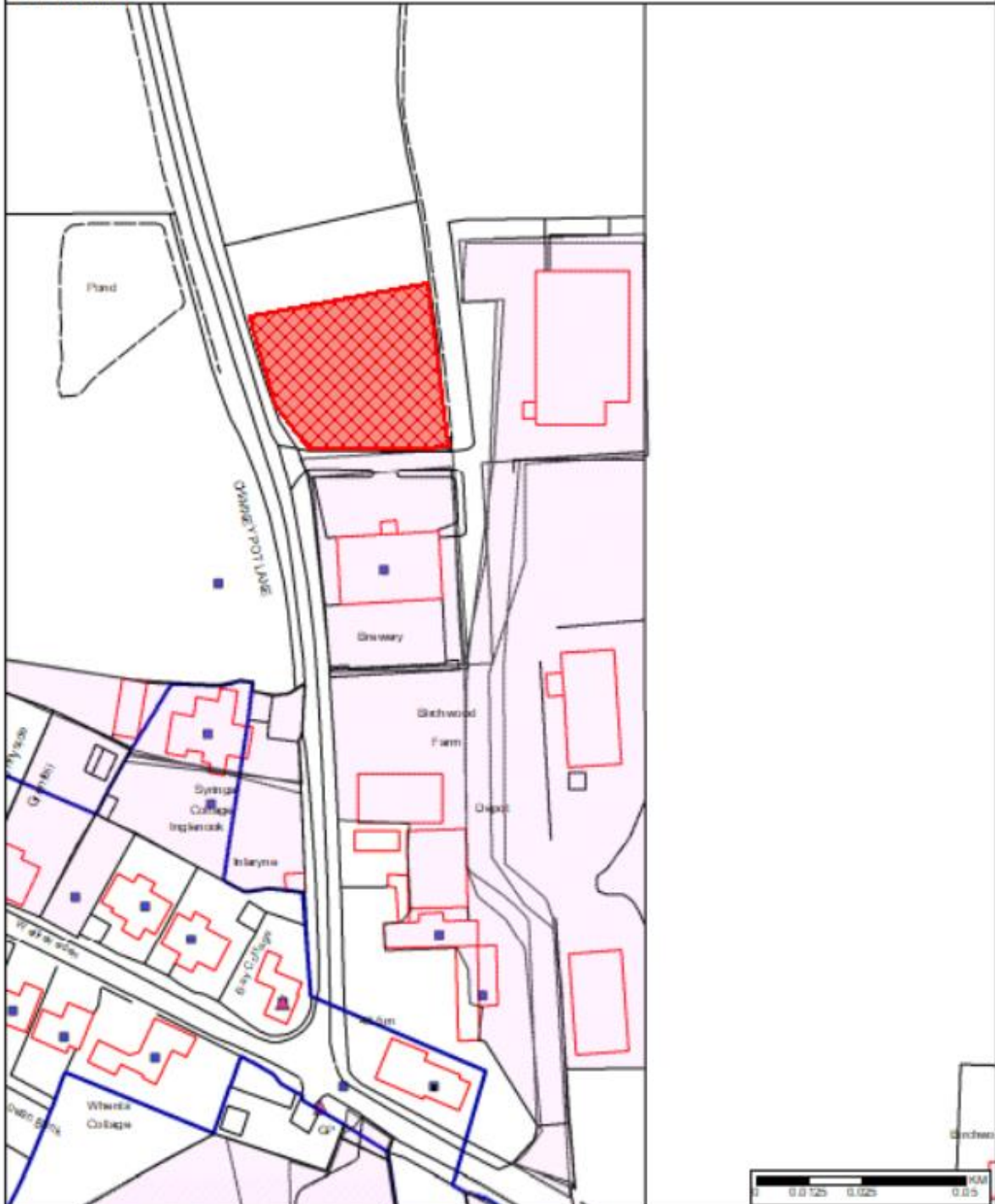
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

Birchwood Fam, Birchwood Road, Cock Clarks
21/01208/FUL



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Maldon District Council 100018588 2014



MALDON DISTRICT
COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	North Western Area
Date:	29/04/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site relates to a piece of land located to the east side of Chimney Pot Lane, outside and approximately 60 metres to the north-east of the defined settlement boundary of Cock Clarks village. The land is currently laid to grass and can be accessed from Birchwood Road to the south, through Birchwood Farm. The northern boundary of the site adjoins an agricultural field. The site is relatively flat and is partly enclosed by hedging and trees.
- 3.1.2 To the south of the site is Birchwood Farm, the use of the majority of which was certified in 2003 and 2017 as being lawful for Class B2 (general industrial) uses (references 03/00035/LDP and 17/01056/LDP). There are also other existing buildings associated with Birchwood Farm on neighbouring land permitted for use as part of Maldon Oyster Company as well as for light industrial and office uses.
- 3.1.3 To the south of Birchwood Farm, on the opposite side of Birchwood Road, and to the west beyond Chimney Pot Lane, are residential properties. The nearest dwelling, 'Syringa', is located around 50m to the south west of the application site.
- 3.1.4 Planning permission is sought for the construction of a new building described as being for the storage of specialist packaging and equipment for the Maldon Oyster Company. The steel portal frame building would measure 34.4m x 15.97m, accommodate 360sq.m. of floorspace, have a ridge height of 6.6m and an eaves height 5.5m. The walls and roof of the building would be clad with Merlin grey metal sheeting and there would be a roller shutter door in north and east elevations. The applicant's agent states that the design of the building is the same as the existing buildings. The new building would be accessed from Birchwood Road via the existing access through Birchwood Farm.
- 3.1.5 The agent states that there would no change to parking provision, operating hours, or employment at the site and that there would be no increase in traffic to/from the site as the Maldon Oyster Company is already operating from the site. They are of the view that it would not be reasonable or practical to locate the building in an existing town, village or employment area. The site is described as being part of an existing 'agricultural grazing paddock' consisting of improved grassland which is grazed and cut for hay. It is stated that there would be enhanced landscaping to the northern boundary of the site to minimise the visual impact of the development.
- 3.1.6 As part of the application, it is stated that the Maldon Oyster Company manages 3,500 acres of river bed in the Blackwater which is one of very few shellfish growing waters in the UK, that the business employs 11 people and that the business is registered as aquaculture with Cefas (Centre for Environment, Fisheries and Aquaculture Science) and Maldon District Council.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development would benefit the rural economy, whilst the development is not anticipated to directly create any additional employment, it would support the existing Maldon Oyster Company which makes a positive contribution to the District's economy including tourism.
- 3.2.2 The proposed development would have a negative visual impact as it would have a degree of adverse impact on the rural character and appearance of the site. However, in the context of the existing development within the vicinity of the site, it is

considered that this impact would not be significant, especially if additional landscaping is provided.

3.2.3 The proposal would be served by adequate parking and access and would not have an adverse impact on ecological interests or the amenity of local residents.

3.2.4 Having assessed the development proposed, it is considered that the economic benefits of the proposed outweigh the limited adverse visual impacts and, therefore, it is recommended that planning permission is granted.

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
- 81-85 Building a strong, competitive economy
- 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 S7 Prosperous Rural Community
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy D5 Flood Risk and Coastal Management
- Policy E1 Employment
- Policy E4 Agricultural and Rural Diversification
- Policy E5 Tourism
- Policy N2 Natural Environment 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)
- Vehicle Parking Standards (VPS)
- Maldon District Design Guide (MDDG) (2017)

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area and an assessment of the proposal in relation to nature conservation, drainage, and highway safety/access/parking. An assessment of the impact of the development on local residents would also be required.

5.2 Principle of Development

5.2.1 Policy S8 of the Local Development Plan (LDP) defines the settlements of the Maldon District within which residential development is to be generally directed. The policy goes on to state that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside 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 that the development falls within one of thirteen categories (a-m). This list of acceptable development includes criterion (b) 'Employment generating proposals (in accordance with Policy E1)'.

5.2.2 Policy E1 of the LDP states that '*New proposals for employment uses will generally be directed to the designated employment areas prior to considering other sites within the District*'. The application is located outside the designated employment areas as listed under this Policy, but the Policy goes on to state that '*new provision for high quality employment space or the expansion of existing employment areas will be considered favourably subject to design, environment, and infrastructure considerations*'.

5.2.3 In support of the development proposed, the applicant's agent provides the following information:

- There has been an increased demand for shellfish due to Brexit and the Covid-19 pandemic which have reduced imports.
- The specialist wooden oyster boxes used are only available from France and need to be stored in a food grade environment. As a result of supply issues, the applicant now orders these boxes six months in advance and needs to have a minimum of 3-6 month's supply in storage.
- There is also an issue with the supply of bags used to cultivate the oysters which also come from the EU; due to specialist equipment there are no suppliers in the UK.
- As a result, the storage capacity required has more than doubled in the last 18 months. This, along with the doubling of production, has resulted in the company outgrowing the existing facilities and business continuity being put at risk.

5.2.4 As set out above, policy E1 directs employment development towards allocated sites within the Maldon District. However, the development proposed would support an existing business which operates at Birchwood Farm. Local and national planning policies emphasise the importance of supporting local business and these factors should be given weight in the assessment of the proposal. It is accepted that the need for storage has grown recently and that an appropriate building, that meets the necessary standards, is reasonably required. The proposed building is ancillary to the use of the existing business on site, and it is not considered reasonable or appropriate for an existing commercial enterprise to 'split' their site in operation terms, for practical reasons, when it relates to such an intrinsic part of the process. Therefore, whilst the proposal conflicts with the Policy position it is considered that there is adequate justification for the additional building proposed that it is a material consideration of such weight to outweigh the policy conflict in this instance. However, taking into account the specific reasoning for the development and the weight attributed to this in the planning balancing exercise it is considered necessary and reasonable to limit the use of the building to storage associated with the existing use of the neighbouring property by the Maldon Oyster Company, as was the case with the previous planning permissions for development at Birchwood Farm associated with the Company.

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. 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".

5.3.3 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.

- 5.3.4 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 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 application site is currently undeveloped, grassed land that is partly enclosed by hedges. The site is within a rural location, outside the settlement boundary of Cock Clarks.
- 5.3.7 It is considered that the development of this site would appear as an extension of the existing development at Birchwood Farm which is located to the east and south of the application site. The building proposed would be smaller and a lower height than that immediately to the east of the site (reference 19/00674/FUL) (which accommodates 20 purification tanks) and measures 12m x 24m and 7m in height. The building proposed would also be of a design and external appearance comparable to the buildings which exist in the vicinity of the site. The building would also be located towards the south-eastern corner of the field/paddock and adjacent to the site's eastern boundary. Furthermore, the site is partly enclosed by existing hedges and additional landscaping could be required by condition if planning permission were to be granted. Screen planting is indicatively shown on the submitted block plan and it is considered that this will help to mitigate the visual impact of the proposed development.
- 5.3.8 Based on the above, whilst the proposed development would have an impact on the character and appearance of the undeveloped grassland, it is considered that the development would not have a materially adverse impact on the character or appearance of the rural area, to such a degree, as to justify planning permission being refused, particularly taking into account the need for the development specifically on this site, due to conflict with policies S8 and D1 of the LDP.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The building would be located on the edge of the village settlement boundary of Cock Clarks, to the north of Birchwood Farm which is used for a variety of purposes including those falling within Use Class B2. This provides a level of background noise and disturbance that is considered to be relevant to the assessment of the current application.
- 5.4.3 The building proposed would be located approximately 50 metres from the closest neighbouring dwelling and therefore, despite its scale and visual impact, the development would not have a harmful impact on the amenity of local residents by reason of dominance, loss of light, loss of privacy or loss of outlook.

- 5.4.4 Whilst the applicant's agent states that the development would not increase the level of activity at the site, it must be noted that the Applicant has stated that the proposal is partially necessary to meet a growth in demand for oysters. Therefore, it is reasonable to conclude that the additional accommodation proposed would have the potential to facilitate an increase in the level of processing of oysters at the site. The Specialist: Environmental Health has raised concerns regarding the intensification of the use of the site. However, given the lawful use of the site and the limited scale of the development proposed, which is ancillary nature, and the use of the building proposed, it is not considered that the development proposed would, on balance, result in a materially greater adverse impact on local residents due to noise or disturbance than the existing use(s) of the site.
- 5.4.5 For these reasons, whilst regard has been had to the concerns that have been raised by a neighbouring resident and the Specialist: Environmental Health, it is considered that the impact of the proposed development would not be such that the application should be refused on the grounds of an adverse impact on neighbouring residents. However, the imposition of conditions as recommended by the Specialist (relating to hours of operation, hours of deliveries and external illumination along with prohibiting outside working and storage as well as the installation of extraction or ventilation equipment) would be necessary. These conditions reflect those which have been imposed on previous planning permissions for new buildings at the site associated with the oyster business.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards (SPD) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.5.3 The proposed access to the site would be taken from the existing access point from Birchwood Road onto Birchwood Farm and the access track leading through Birchwood Farm would be extended to provide access to the building proposed.

- 5.5.4 Essex County Council (ECC) Highways have raised no objections to the proposal subject to the imposition of a condition requiring that the proposed/any new boundary planting is a minimum of 1m from the highway boundary and any visibility splays.
- 5.5.5 In terms of car parking provision, no additional car parking spaces are proposed. The adopted standard for Class B2 uses is one car parking space per 50sq.m, one cycle parking spaces per 100sq.m. for staff and one cycle parking space per 400sq.m. for visitors which equates to the need to provide eight car parking spaces and five cycle parking spaces.
- 5.5.6 Whilst no additional parking spaces are proposed as part of the current application, the block plan submitted suggests that there are 34no. parking spaces for the existing buildings associated with the oyster business. The floorspace of the three existing buildings granted planning permission for purposes relating to the oyster business totals approximately 1,120sq.m. The building currently proposed would increase this floorspace by 360sq.m. to 1,480sq.m. which would require the provision of at least 30no. parking spaces to comply with the adopted standards. Therefore, the existing parking provision would be sufficient even with the additional floorspace proposed to comply with the adopted standards. No cycle parking spaces were required as part of the previously approved development and no cycle parking spaces are proposed as part of the current application. However, the five cycle parking spaces required to comply with the adopted standards for the additional floorspace could be required by condition if planning permission were to be granted.
- 5.5.7 Based on the above, no objections to the development proposed in relation to highway safety, access and parking provision are raised.

5.6 Nature Conservation

- 5.6.1 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.
- 5.6.2 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).
- 5.6.3 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.6.4 The applicant's agent describes the site as an existing 'agricultural grazing paddock' consisting of improved grassland which is grazed and cut for hay. As a result, they consider that the development would have no adverse impacts on legally protected/priority species and habitats.
- 5.6.5 Essex County Council (ECC) Ecology have raised no objections to the proposal subject to the imposition of conditions to secure biodiversity mitigation and enhancement measures. These conditions could be imposed if planning permission were to be granted.

5.7 Other Material Considerations

- 5.7.1 The Specialist: Environmental Health have recommended the imposition of conditions requiring details of foul and surface water drainage if planning permission were to be granted. It is considered that these drainage issues could be dealt with satisfactorily through the imposition of conditions recommended (Policy D2).

6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history on the site where the new building itself is proposed. The below planning history relates to the whole of Birchwood Farm:

- **01/00526/LDE** - Lawful Development Certificate in respect of the use of the yard and buildings for the servicing, repair, modification and renovation of agricultural plant and machinery, lorries, and other vehicles. – Granted
- **01/00808/OUT** - Residential development in lieu of existing industrial land and buildings - Refused
- **01/01175/OUT** - Residential development in lieu of existing industrial land and buildings - Refused
- **02/00243/FUL** - Retention of planning permission MAL/8/82 without compliance with condition 10 (sole benefit R Emans) - Allowed on Appeal
- **02/00243/FUL** - Retention of planning permission MAL/8/82 without compliance with condition 5 (sole benefit R Emans) - Allowed on Appeal
- **03/00035/LDP** - Lawful Development Certificate in respect of the use of the site for B2 (General Industrial) use. - Granted
- **03/00579/FUL** - Proposed building to accommodate an oyster hatchery, nursery, holding, grading, depuration & packing facility, and hardstanding - Approved
- **05/00444/FUL** - New workshop and storage shed for repair of oyster plant and harvesting machinery, storage oyster packaging – Approved
- **17/01056/LDE** - Claim for lawful development certificate for existing continued B2 general industrial use. - Approved
- **18/00966/FUL** - Erection of building with associated parking and access to be used as a brewery for Maldon Brewing Company - Approved
- **19/00154/FUL** - Erection of building for oyster purification and ancillary aquaculture storage - Withdrawn
- **19/00674/FUL** – Erection of building for oyster purification and ancillary aquaculture storage by the Maldon Oyster Company – Approved
- **20/00555/NMA** - Application for non-material amendment to approved planning permission 19/00674/FUL (Erection of building for oyster purification and ancillary aquaculture storage by the Maldon Oyster Company.)
Amendment sought: Minor amendment to materials, windows, internal layout and added a porch - Approved
- **20/00556/FUL** - Enlarging existing pond by a maximum of 320m² to allow for additional surface water storage (associated with approved permissions 19/00215/FUL and 19/00674/FUL) - Approved
- **20/05068/DET** - Notification 19/00674/FUL (Erection of building for oyster purification and ancillary aquaculture storage by the Maldon Oyster Company.)

Condition 4 - Boundary treatments. Condition 5 - Hard & soft landscape - Condition 9 - Extraction or ventilation equipment. Condition 10 - Foul drainage scheme. Condition 11 - Surface water drainage scheme. Condition 12 - Refuse storage. Condition - Illumination of the site. Condition 14 - Sound insulation - Approved

- **20/01134/FUL** – Change of use of building erected under FUL/MAL/18/00966 from use as a brewery for Maldon Brewing Company to light industrial and office use. Approved
- **21/05088/DET** - Notification 20/01134/FUL (Change of use of building erected under FUL/MAL/18/00966 from use as a brewery for Maldon Brewing Company to light industrial and office use) Condition 3 - Boundary treatment. Condition 4 - Soft landscape works. Condition 11 - Foul drainage scheme. Condition 12 - Water drainage scheme. Condition 13 - Refuse storage. Condition 14 - External illuminations. Condition 17 - Cycle parking - Approved

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Complies with planning legislation and does not conflict with the LDP, provided that all the buildings on the premises are being used for oyster production. Concern that the enterprise may be outgrowing this very rural site.	Noted.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Ecology	No objection subject to securing biodiversity mitigation and enhancement measures.	Noted – refer to section 5.6 of report.
ECC Highways	No objections subject to the imposition of a condition requiring that the proposed/any new boundary planting is a minimum of 1m from the highway boundary and any visibility splay.	Noted – refer to section 5.5 of report.
ECC SuDS Team	Development does not pose a significant flood risk and so has no comment.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist: Environmental Health	Have previously raised concerns about intensification of this site, which is in a quiet, rural village location. However, conditions are recommended if planning permission were to be granted relating to surface water drainage, foul drainage, hours of operation, hours of deliveries, no outside working or storage, no extraction or ventilation equipment and external illumination.	Noted – refer to sections 5.4 and 5.7 of report.

7.4 Representations received from Interested Parties

7.4.1 **One** 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
Would cause significant problems while under construction and once in operation as storage. Due to position and previous developments, the whole rural aspect is being removed and replaced with large industrial units – piecemeal - turning the site into an industrial estate – entirely inappropriate in a small hamlet of Cock Clarks and inconsistent with refusal of planning permission for a single dwelling on Chimney Pot Lane (19/00574/FUL).	Noted – refer to sections 5.2, 5.3 and 5.4 of report. The anticipated problems the development would cause during construction are not specified but, as a result of the scale of the development, its position and the means of access to the site, it is considered that the impact of the construction of the development on the amenity of local residents would not of such a magnitude to warrant a refusal of planning permission.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 18/44/03 Rev A, 18/44/31 Rev A, 18/44/32 Rev A and 18/44/33 Rev A.
REASON: For the avoidance of doubt as to the extent of this permission.
- 3 The external surfaces of the building hereby approved shall be constructed of the materials specified on the approved drawings.

REASON: To ensure the development is visually in keeping with the existing buildings within the vicinity of the site, in accordance with Policies S8, E1 and D1 of the Maldon District Local Development Plan and the NPPF.

- 4 Details of the siting, height, design, and materials of the treatment of all boundaries including the retention of existing hedges, gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to the first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development and be retained as such thereafter.

REASON: To ensure the development is appropriate in the rural area in accordance with Policies S8, E1 and D1 of the of the Maldon District Local Development Plan and the NPPF.

- 5 No development above slab level shall take place until details of all hard and soft landscape works and means of protecting the existing hedges at the site that are to be retained during the course of development have been submitted to and approved in writing by the local planning authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

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.

REASON: In the interests of the character and appearance of the rural area and highway safety, in accordance with Policies T2, D1, E1 and S8 of the Maldon District Local Development Plan and the NPPF.

- 6 The use hereby permitted along with deliveries to and collections from the site shall only be undertaken between 07:30 hours and 18:00 hours on Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and public Holidays.

REASON: To protect the amenity of local residents, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 7 No machinery shall be operated, and no process shall be undertaken outside of the building. Furthermore, no goods, materials, plant, machinery, skips, containers, packaging, or other similar items shall be stored or kept outside of the building.

REASON: In order to ensure the appropriate use of the site and to protect the amenities of local residents in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 8 No external plant or machinery shall be used unless and until details of the equipment has been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.

REASON: In order to ensure the appropriate use of the site and to protect the amenities of local residents, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

9 No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed and retained as such thereafter.

REASON: In order to ensure the appropriate use of the site and to protect the amenities of local residents, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

10 No works above ground level shall occur until details of the foul drainage scheme to serve the development have been 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.

REASON: To ensure that appropriate foul water drainage is available on site in accordance with Policy D2 of the Maldon District Local Development Plan and the NPPF.

11 No works above ground level shall occur until details of the surface water drainage scheme to serve the development have been 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)

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 it will be necessary to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that appropriate surface water drainage is provided, in accordance with Policy D5 of the Maldon District Local Development Plan and the NPPF.

12 No works above ground level shall occur until details of all external illumination of the site including the luminance and spread of light and the design and specification of the light fittings have been submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details thereafter.

REASON: To protect the character and appearance of the rural area and the amenity of local residents, in accordance with Policies D1, E1, S8 and D2 of the Maldon District Local Development Plan and the NPPF.

13 Prior to the first use/occupation of the development hereby approved, cycle parking for at least five (5) bicycles shall be provided in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The cycle parking shall be weather-protected and conveniently located for staff and visitors. The cycle parking shall be retained as approved in perpetuity.

REASON: In order to encourage the use of non-motorised means of transport, in accordance with Policies T1 and T2 of the Maldon District Local Development Plan.

- 14 The development hereby approved shall only be used for storage ancillary to the use of Birchwood Farm for oyster processing. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015, the building shall be used for no other purpose.

REASON: To clarify the terms of the permission, as the development is approved due to the specific needs of the existing business, to protect the amenities of local residents and in the interests of the character and appearance of the area, in accordance with policies S8, E1, D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 15 No development shall take place until a Biodiversity Mitigation Method Statement for protected and Priority species, including Great Crested Newts, hedgehogs, and toads, has been submitted to and approved in writing by the local planning authority. The statement shall include the following:

- a) Purposes and objectives for the proposed works
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used)
- c) Extent and location of proposed works shown on appropriate scale maps and plans
- d) Timetable for implementation
- e) Person responsible for implementing the works
- f) Disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

REASON: To conserve protected and Priority species, in accordance with Policy N2 of the Maldon District Local Development Plan, 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, s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime and Disorder Act 1998

- 16 Within three months of the date of this planning permission, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures
- b) Detailed designs to achieve stated objectives
- c) Location 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 (where relevant).

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

REASON: To enhance Protected and Priority Species/habitats, in accordance with Policy N2 of the Maldon District Local Development Plan and allow the local planning authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

INFORMATIVES

1. 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.

2. 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.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.

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.