



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
27 JULY 2022**

Application Number	21/00540/OUT
Location	Land At Blackwater Trading Estate, The Causeway, Maldon, Essex
Proposal	Outline planning permission with the matters of access, layout and scale for consideration for the erection of warehouse units (Class B8) with associated vehicle parking & servicing.
Applicant	Aquila EHS Ltd
Agent	Blenheim Consultancy Services Ltd
Target Decision Date	27.07.2022
Case Officer	Anna Tastsoglou
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Major application

1. RECOMMENDATION

APPROVE subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations and subject to conditions as detailed in Section 4.

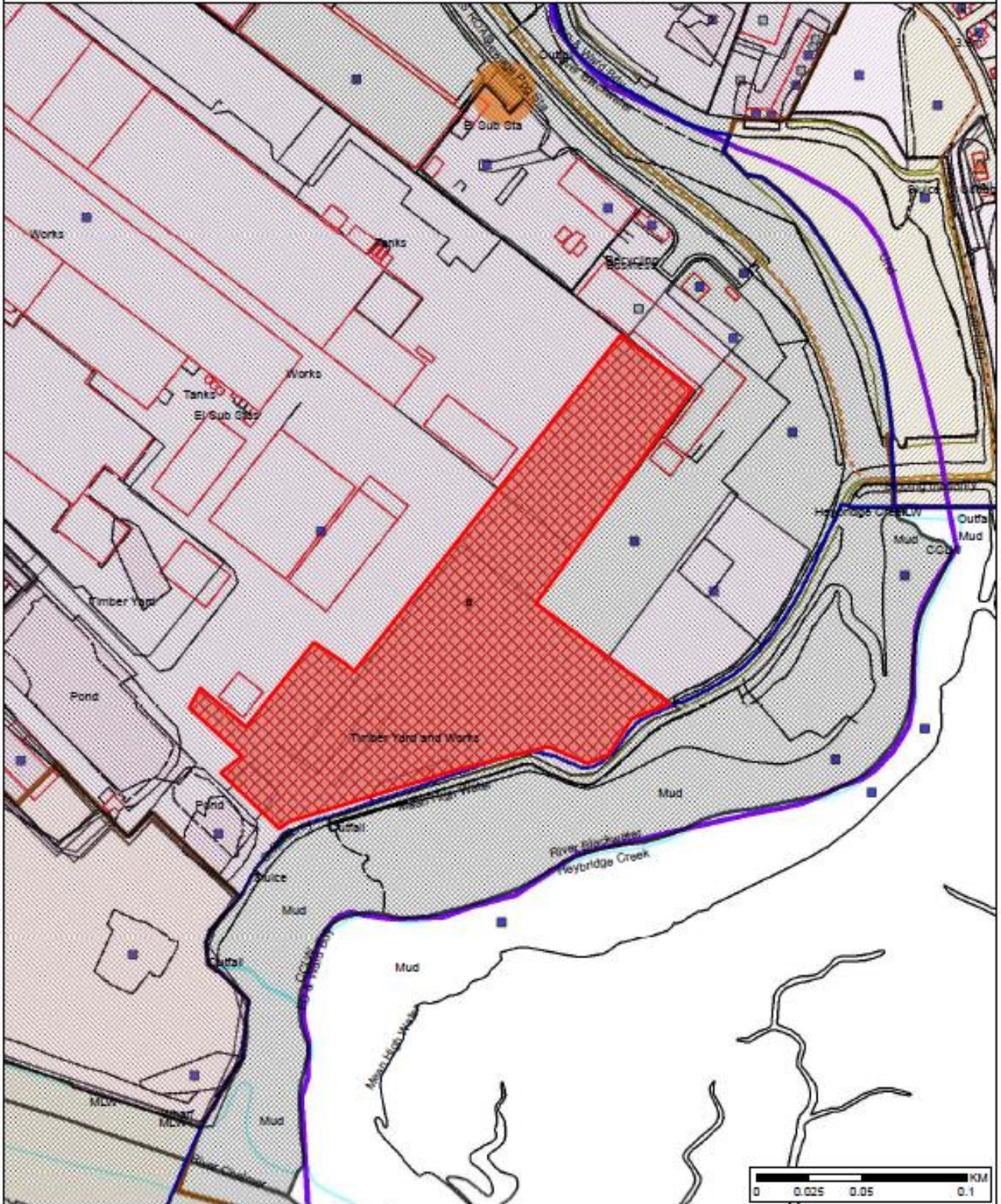
2. BACKGROUND


- 2.1 This planning application was originally presented to the Central Area Planning Committee on 29 June 2022. The application was deferred by the Committee for a site visit. This was to consider matters in relation to the provision of a noise attenuation barrier, impact on local residents, and to explore the possibility of an improved footpath along Heybridge Creek and connectivity with adjoining cycle / foot path networks in the area having regard to the Central Area Master Plan (CAMP).
- 2.2 The report previously presented at the Central Area Planning Committee is still applicable and is attached at **APPENDIX A**.

3. SITE MAP

Please see below.

21/00540/OUT
Central Area Committee



 MALDON DISTRICT COUNCIL	Copyright <small>For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</small>	Scale: 1:2,500
	Organisation: Maldon District Council	Scale: 0 0.025 0.05 0.1 KM
	Department: Department	
	Comments: Not Set	
	Date: 14/06/2022	
	www.maldon.gov.uk	MSA Number: 100018588

4. **PROPOSED CONDITIONS, INCLUDING HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

HEADS OF TERMS OF ANY SECTION 106 AGREEMENT

- A monitoring fee for the Travel Plan of £6,132 (plus the relevant sustainable travel indexation) shall be paid before occupation to cover the 5 year period.

PROPOSED CONDITIONS

- 1 Details of the appearance and landscaping (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved
REASON To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

- 2 As part of the reserved matters details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use of the development to which it relates and be retained in perpetuity as such thereafter.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Local Development Plan.

- 3 The landscaping details referred to in Condition 1 shall provide full details and specifications of both hard and soft landscape works, which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters. These landscaping details shall include the layout of the hard landscaped areas with the materials and finishes to be used together with details of the means of enclosure, car parking layout, vehicle and pedestrian accesses.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme’s implementation, aftercare and maintenance programme.

The hard landscape works shall be carried out as approved prior to the beneficial first use of the development hereby approved unless otherwise first agreed 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 commencement of the development, unless otherwise first 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, 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.

- REASON To ensure that details of the development are satisfactory and in the interest of the visual amenity of the area, in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
- 4 Prior to the commencement of development details of the existing and proposed ground levels together with proposed finished floor levels shall be submitted to and be approved in writing by the Local Planning Authority. The development hereby permitted shall then be constructed in accordance with the approved ground and finished floor levels.
- REASON In order to ensure that development appropriately integrates with the setting and its proposed neighbouring buildings, in compliance with the National Planning Policy Framework and policy D1 of the approved Maldon Local Development Plan (2017) and the guidance contained in the Maldon District Design Guide SPD.
- 5 Prior to their use in the construction of the development, product details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.
- REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon Local Development Plan and the guidance contained in the Maldon District Design Guide (2017).
- 6 No development hereby approved, including ground works or demolition, shall commence unless a footway/cycleway connecting the western part of the application site (west of approved Unit G) with the existing footway/cycleway along the north-eastern boundary of Aldi has been completed. The details of the footway/cycleway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including ground works and demolition. The footway/cycleway shall then be retained as such in perpetuity.
- REASON To ensure that a safe and easily accessible footway/cycleway is provided in support of sustainable modes of transport in accordance with policies S5, T1 and T2 of the Local Development Plan and the guidance contained in the Maldon and Heybridge Central Area Masterplan, the North Quay Regeneration Development Brief SPD and National Planning Policy Framework.
- 7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. wheel and underbody washing facilities
- REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
- 8 The development hereby approved shall not be occupied until such time as the vehicle parking and turning area indicated on planning application drawing number 21/02/03 REV B, has been hard surfaced, sealed and marked out in parking bays. The parking spaces shall have dimensions in accordance with the current parking standards. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

- REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with policies D1 and T2 of the Local Development Plan.
- 9 Cycle parking shall be provided prior to the first use of the development hereby approved in accordance with Maldon District Council's adopted standards. The approved facility, which details shall be submitted to and approved writing by the Local Planning Authority prior to the occupation of the development hereby approved, shall be secure, convenient, covered and retained in perpetuity.
- REASON To ensure that cycle parking is proposed in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 10 The powered two wheeler/cycle parking facilities as shown on the approved plan 21/02/03 REV B are to be provided prior to the first occupation of the development and retained at all times.
- REASON To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with the Vehicle Parking Standards SPD and policies D1 and T2 of the Maldon District Local Development Plan.
- 11 There shall be no discharge of surface water onto the Highway.
- REASON To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy T2 of the Maldon District Local Development Plan.
- 12 The public's rights and ease of passage over public footpath No.45 (Maldon) shall be maintained free and unobstructed at all times.
- REASON To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with policy T2 of the Maldon District Local Development Plan.
- 13 Prior to first occupation of the proposed development, the Developer shall submit a workplace travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall be actively implemented for a minimum period of 5 years.
- REASON In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies S5, T1 and T2 of the Maldon District Local Development Plan.
- 14 No building hereby permitted shall be used until details of the number and location of electric car charging points in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The charging points shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
- REASON To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies D1 and T2 of the approved Maldon District Local Development Plan.
- 15 No building hereby permitted shall be used until details of the number and location of car parking spaces for disabled people in accordance with the adopted Vehicle Parking Standards SPD (2018) have been submitted to and approved in writing by the local planning authority. The parking spaces for disabled people shall be provided in accordance with the approved details prior to the commencement of the beneficial use of the parking space within which they would be located.
- REASON To comply with the adopted Vehicle Parking Standards SPD (2018) in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.
- 16 The hours of operation of the, B8 units hereby permitted shall between:
- Monday to Saturday 0700 hours until 2300 hours only

- REASON In the interest of the amenity of neighbouring properties in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 17 No external plant or machinery shall be used unless and until details of the equipment have 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 the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 18 The applicant/occupier is required to have in place a flood action plan to respond to any flood warnings issued by the Environment Agency. Details of the flood evacuation plan shall previously have been submitted to and agreed in writing by the Local Planning Authority, in consultation with the Environment Agency, prior to first occupation of the development hereby permitted.
- REASON To minimise risk from flooding in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 19 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the local planning authority. The external illumination shall be retained as such thereafter.
- REASON To minimise light pollution upon the nearby nature conservation sites and protected species in the interests of biodiversity and ecology in accordance with policies D1, D2 and N2 of the Maldon District Local Development Plan.
- 20 The premises shall only be used for storage and distribution purposes which are defined within Class B8 of the Schedule to the Town & Country Planning Use Classes (Amendment) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- REASON In the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance with the requirements of policy D1 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 21 No buildings, or fixed above ground structures shall be placed within 20.5 metres of the landward toe of the defence, as detailed on drawing 21/02/03 revision B, dated Apr 21, provided within Appendix B of the Flood Risk Assessment Addendum No.2, dated January 2022, without written approval from the Environment Agency.
- REASON To retain access to the defences for the Environment Agency to carry out its functions and ensure the defences can be maintained for continued flood risk protection in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.
- 22 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Provide engineering site layout of the proposed drainage network at the site. This should include the following details: manholes cover levels, invert levels, pipes dimensions, slopes, basin top and base

levels, and invert levels both at inlet and outlets, outflow rates, as well as top water level in the attenuation basins/ponds during 100year plus 40percent CC allowance.

- Provide calculations for the conveyance and storage network for the proposed development. The network should not predict surcharge in 1yr events, and should not predict flooding in 30year events. During 100 year plus 40pc cc event if any marginal flooding is predicted then it should be directed away from the building using appropriate site grading.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.

23 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

REASON To minimise flood risk elsewhere and avoid water pollution in accordance with the requirements of policy D2 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

24 Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
REASON To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

25 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

REASON To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk in accordance with the requirements of policy D5 of the Maldon District Local Development Plan and the provision and guidance as contained within the National Planning Policy Framework.

- 26 No development, including ground works or demolition, shall take place during prolonged periods of cold weather between October – March inclusive. In the event of a works suspension due to prolonged cold weather, work can resume after three days of thaw. After a continuous week of cold weather (i.e. frozen conditions for seven consecutive days), advice should be sought from the Site Ecologist or Ornithologist who shall base their guidance on the advice contained within the website of the Joint Nature Conservation Committee regarding a “Scheme to reduce disturbance to waterfowl during severe winter weather” or any other advice amending or revoking that advice.
REASON In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.
- 27 No development, including ground works or demolition, shall commence until a Construction Environmental Management Plan and an Operational Environmental Management Plan have been submitted to and approved in writing by the Local Planning authority.
REASON In the interests of protecting the natural conservation designations and protected species and avoid water pollution in accordance with the guidance contained within the NPPF and Policies N2 and D2 of the approved Local Development Plan.
- 28 The development shall be implemented in accordance with the mitigation measures included in the submitted Habitat Regulations Assessment Report, submitted by the applicant on 26 May 2021 and Preliminary Ecological Appraisal, dated 11 May 2021 prepared by Southern Ecological Solutions. The development hereby approved shall operate in accordance with the approved mitigation measures in perpetuity.
REASON In the interests of protecting the natural conservation designations and protected species in accordance with the guidance contained within the NPPF and Policy N2 of the approved Local Development Plan.
- 29 No development, including ground works or demolition, shall commence until details of enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such in perpetuity.
REASON In the interests of protecting the natural conservation designations and protected species and avoid water pollution in accordance with the guidance contained within the NPPF and Policies N2 and D2 of the approved Local Development Plan.
- 30 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site. Such archaeological assessment shall be approved by the local planning authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.
REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan and the guidance contained the National Planning Policy Framework.
- 31 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development

shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise archaeological trial-trenching of the proposed development area, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor.

REASON To protect the site which is of archaeological interest, in accordance with policy D3 of the approved Local Development Plan and the guidance contained the National Planning Policy Framework.

INFORMATIVES

- 1 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath No. 45 (Maldon) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
- 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 and to this effect:
 - 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 that 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 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.

- 4 Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- 5 Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- 6 Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- 7 It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- 8 The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- 9 We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.