



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

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
15 AUGUST 2016**

<b>Application Number</b>	<b>FUL/MAL/16/00498</b>
<b>Location</b>	Brook Farm, Marsh Road, Burnham-On-Crouch
<b>Proposal</b>	Enlarge mini lagoon/pit 21m x 6m. Install reedbed treatment system 75m(mean) x 50m(mean)
<b>Applicant</b>	Mr Allman Fowler - Fowler Bros. (Latchingdon) Ltd
<b>Agent</b>	Mr John Bailey
<b>Target Decision Date</b>	18 August 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

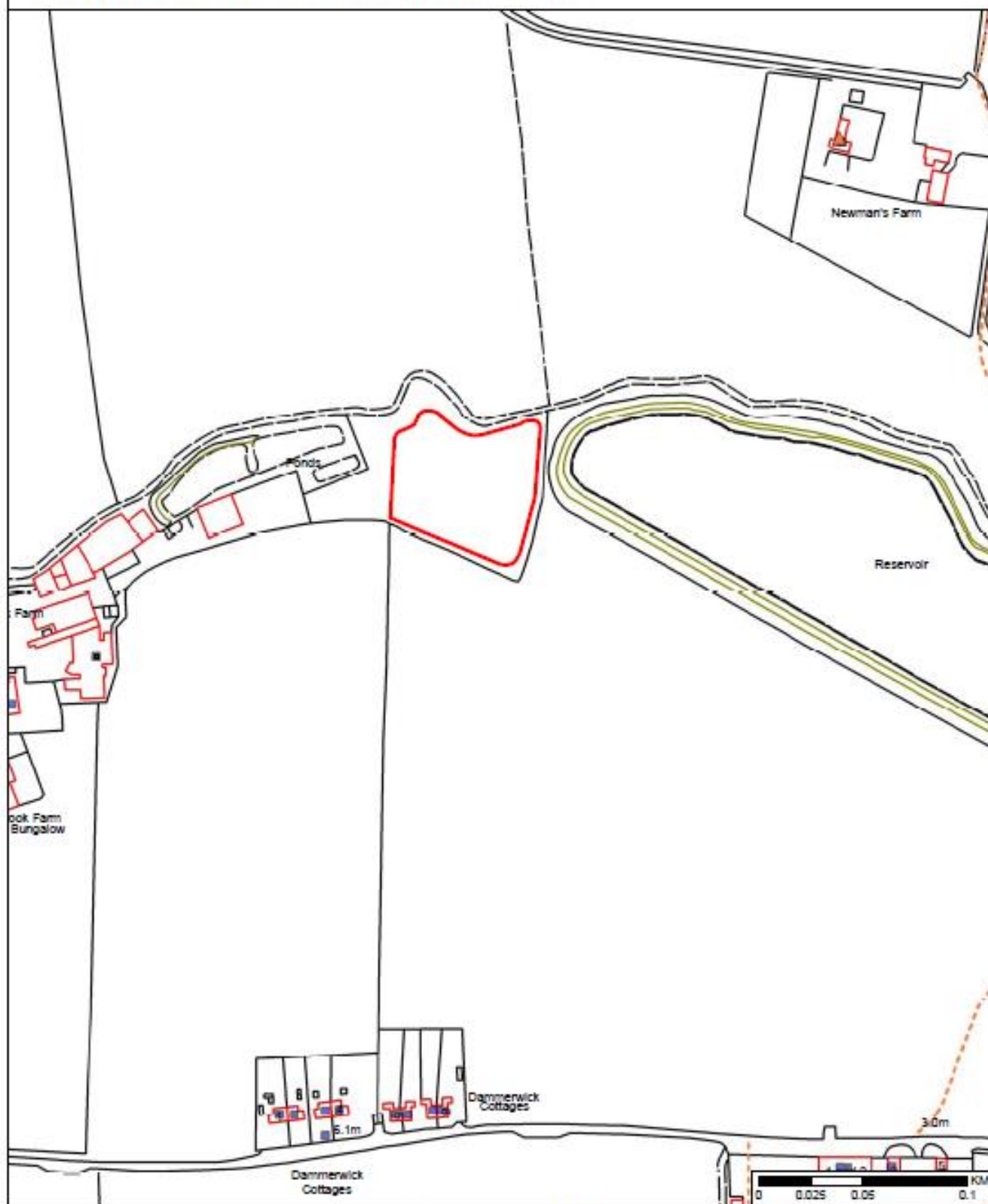
**1. RECOMMENDATION**

**APPROVE** subject to the conditions as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

# Brook Farm, Marsh Road, Burnham-On-Crouch



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Maldon District Council 100018588 2014

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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 16/00498/FUL

Date: 03/08/2016

MSA Number: 100018588



### **3. SUMMARY**

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

- 3.1.1 The application site lies on a parcel of land laid to grass to the east of Brook Farm which comprises an abattoir and farm shop. There are three existing lagoons which act as drainage for waste fluid and wash down water from the site and which are south of a small natural brook.
- 3.1.2 The site is within a rural agricultural area with the nearest non-associated dwellings to the south at a distance of 250m and with the settlement boundary of Burnham on Crouch approximately 1km to the south west of the site. The site lies within the designated Coastal Zone.
- 3.1.3 The proposal seeks planning permission for the enlargement of an existing mini lagoon and a reed bed treatment system.
- 3.1.4 The existing mini lagoon would be doubled in size to its southern side. The proposed extension would measure 21m by 6m.
- 3.1.5 The proposed reed bed would be roughly rectangular in shape and lie to the east of the existing and proposed lagoons. With overall measurements of approximately 70m by 70m and 1m high banks at a width of 3m, the reed bed would comprise a heavy clay base with 175m gravel. The reeds would be expected to mature to a height of 2m.
- 3.1.6 The reed bed would be set a minimum of 10m from the banks of the brook to the north.

#### **3.2 Conclusion**

- 3.2.1 The use of the site as an abattoir and farm shop is already established as are the existing lagoons. Policies E6 and E7 of the adopted local plan and emerging policy E1 of the Local Development Plan supports the protection of employment sites and any development proposal to modernize or redevelopment such sites would be viewed favourably, especially where this supports the retention of existing businesses and/or provides employment that meets the current needs of local businesses in the District. The proposal is considered acceptable and in accordance with the adopted and emerging policies, the National Planning Policy Framework and the National Planning Practice Guidance

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14, 17, 21 and 28

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- S2 Development outside Development Boundaries
- BE1 Design of New Development and Landscaping

- CON5 Pollution Prevention
- CC5 Protection of Wildlife at Risk on Development Site
- CC6 Landscape Protection
- CC11 The Coastal Zone
- E6 Protection of Existing Employment Uses
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- E1 Employment
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The proposal relates to the enlargement of an existing waste water lagoon and a new reed bed on land to the east of the existing abattoir and the Brook Farm complex which includes a farm shop. The location of the proposed reed bed is within existing agricultural land and the proposed works would not significantly change the established use of the land in associated within the existing use and therefore the principle of development is considered acceptable. This is however subject to other considerations which are examined below.

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

- 5.2.1 Policy BE1 of the adopted local plan and D1 of the submission LDP aim to ensure that new development is of a good design, suitable for its surrounding and reflective of development within the locality. These policies, in addition to policies CC6 and CC11 and emerging policies D1 and N2 aim to ensure that the rural environment is protected from inappropriate development and subsequent harm. Policy CC11 aims to ensure that only appropriate uses are provided within the coastal zone such as this.

- 5.2.2 There is an existing lagoon on the site which would be doubled in size by doubling its width only. However, the existing lagoon with level landscaped top and steep descending sides is not obtrusive and can only be viewed from a short distance. The creation of a reed bed, once established would not appear out of keeping or visually harmful to the landscape character and appearance of the wider area as a whole. There are limited public views from the site which is bounded by agricultural fields and the banks of a reservoir to the east.
- 5.2.3 Whilst the works would result in some variation to the site gradient, particularly with the formation of the 1m boundary earth bund to the reed bed; this would be grassed and seen against the backdrop of the reeds and existing undulating landscape.
- 5.2.4 It is therefore considered that the proposed works would be acceptable in terms of design, scale and impact upon the locality and in accordance with adopted and emerging policies and the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Residential amenity should be protected from harm caused by new development in accordance with policies BE1 and CC6 of the local plan and policy D1 of the emerging LDP.
- 5.3.2 The nearest non-associated residential properties are located approximately 250m to the south of the site and can be viewed across level agricultural land. Given this distance and the nature of the development it is not considered that the proposal would have an adverse impact or cause demonstrable harm to the visual amenity of the existing occupiers of these residential properties. As such the proposal would accord with the aforementioned policies.

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

- 5.4.1 The proposed facilities would only extend existing waste and wash down water facilities to the east of the site and would not comprise any extension to existing employment or business capacity per se and no additional parking or vehicle facilities would be required in this instance.
- 5.4.2 The proposal is therefore considered to accord with the policy requirements of policies T2 and T8 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and T2 of the submitted Local Development Plan.

### **5.5 Other Material Considerations**

- 5.5.1 The Council's Environmental Health Service has been consulted and there is no objection to the scheme subject to the submission of a maintenance regime for the lagoon and reed bed. A Management and Maintenance Plan has been submitted and is considered suitable and a condition to ensure the management and maintenance is carried out in accordance with this document can be appended to any grant of permission. This condition is commensurate with the previous application which has now lapsed (referenced earlier in this report). A further condition for the only effluent to be discharged to the lagoon to be restricted to be from the site is also considered

appropriate and necessary to ensure the development operates within the parameters it is designed for.

- 5.5.2 As the proposal lies within Flood Zone 3, the Environment Agency has been consulted. There is no objection to the scheme subject to appropriate Environmental Permits being issued. Such permits fall within the legislative remit of the EA and an informative can be appended to any grant of permission advising the applicant to this effect.
- 5.5.3 The EA has commented on the biodiversity of the site and have advised that surveys in relation to protected species are undertaken by a qualified specialist prior to works commencing. As such, the Council's Coast and Countryside Officer has been consulted. An Ecological Scoping Survey has been submitted and subject to the works being carried out in accordance with the recommendations within that report there is no objection to the scheme.

## 6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/06/00355** – Enlargement of mini lagoon and installation of reedbed to treat washing water. Approved 30 May 2006.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham Town Council	Support	No comment to make

### 7.1 **External Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environment Agency	No Objection No objection contingent on appropriate Environmental Permits. The lagoon and reed bed are located a minimum of 10m from the brook to the north. Biodiversity and habitat is appropriately assessed. The site lies within Flood Zone 3, however, it is classed as "Less Vulnerable" therefore there is no objection to the location of the proposed scheme.	The comments are noted and addressed within Section 5.5 of the report
Natural England	No Comment	No comment to make

## 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to a condition relating to use of facility for effluent from site only. Maintenance regime to be in accordance with submitted plan	The comments are noted and have been addressed within section 5.5 of the report

## 7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation received.

## 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) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby approved shall be managed and maintained in accordance with the terms and specifications contained within the Management and Maintenance Plan dated July 2016 which is attached to and forms part of this permission. The development shall be maintained in accordance with the approved details.  
REASON: To prevent undue contamination of the site and to ensure the incorporation of an appropriate maintenance regime in accordance policy CON6 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
- 4 The development hereby approved shall only be used for liquid effluent from the slaughterhouse, yard and roofs within the site.  
REASON: To prevent undue contamination of the site in accordance with policy CON6 of the adopted Maldon District Replacement Local Plan and emerging policy D2 of the submitted Local Development Plan.
- 5 The development shall be undertaken in accordance with the terms and specifications contained within the Ecology Report which is attached to and forms part of this permission.  
REASON: To ensure the conservation interests identified in the report are satisfactorily protected in accordance with policy CC5 of the adopted Maldon District Replacement Local Plan and emerging policy N2 of the submitted Local Development Plan.

### **INFORMATIVE**

- 1 The applicant is advised that separate Environmental Permits may be required for works in within 8metres from the river and for the storing, treating and spreading waste water to land.

Further guidance can be found on the Environment Agency website at:  
<https://www.gov.uk/government/publications/developments-requiring-planning-permission-and-environmental-permits>

We advise that the applicant contact them on 03708 506 506 to discuss the potential permitting requirements.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.