

**DR/12/19**

committee DEVELOPMENT & REGULATION

date 26 April 2019

---

**COUNTY COUNCIL DEVELOPMENT**

Proposal: **Creation of a flood storage area, inlet chamber, temporary construction access from Marlowe Close and associated minor works at land adjacent to Brickhouse Farm Community Centre. Relocation of existing children's play area.**

Location: **Brickhouse Farm Community Centre, Poulton Close, Maldon, CM9**

Ref: **CC/MAL/01/19**

Applicant: **Essex County Council**

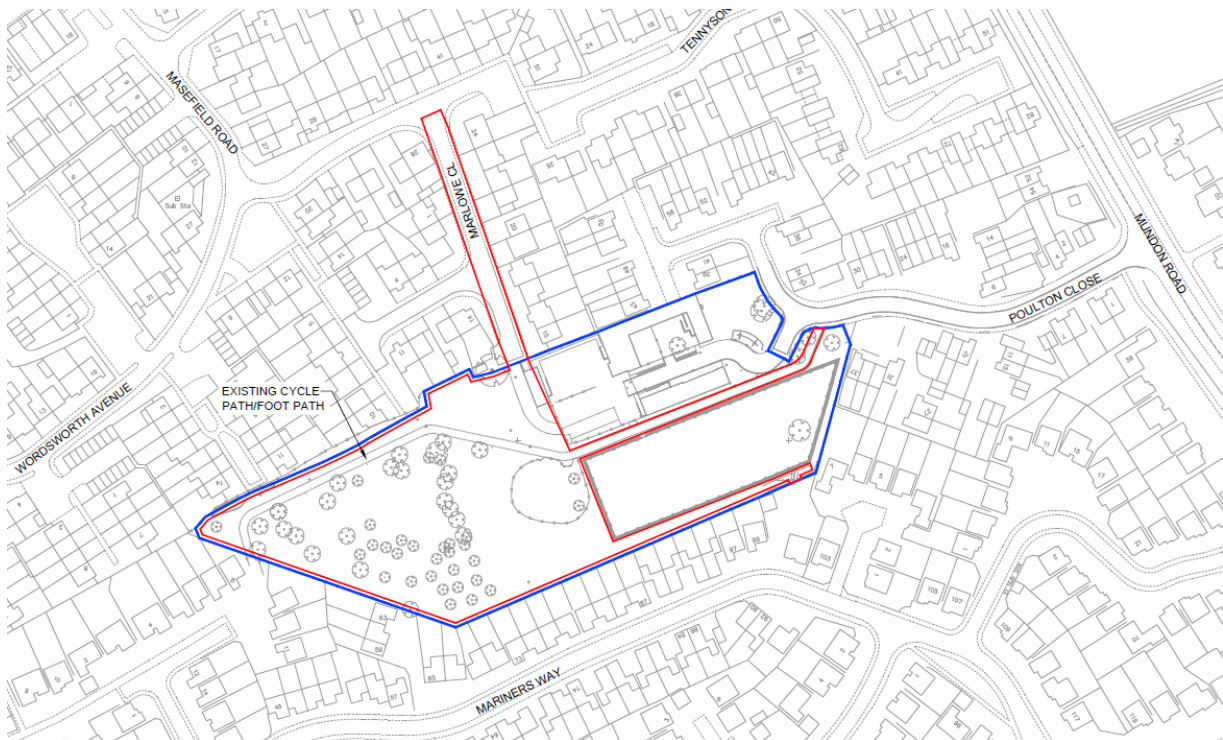
---

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Rachel Edney Tel: 03330 136815

The full application can be viewed at [www.essex.gov.uk/viewplanning](http://www.essex.gov.uk/viewplanning)

---



## **1. SITE**

The application site forms part of a public open space, north of Mariners Way, east of Johnston Way, west of Poulton Close and south of Marlowe Close in Maldon.

The area to which this application relates is approximately 0.5 hectares in size and is located within the south western part of the open space, adjacent to properties in Mariners Way. The area is currently grassed with a copse of trees within the area of the proposed storage area. As a result of the proposals the existing children's play area would be located approximately 15 metres to the north of its current location.

To the east of the proposed site are allotments. To the north east of the site is the Brickhouse Farm Community Centre.

A shared footpath/cycleway (not a formal right of way) crosses the site from Johnston Way in the east to Poulton Close in the west. Vehicular access to the Brickhouse Farm Community Centre is via Poulton Close. There is a separate pedestrian access to the Community Centre via Marlowe Close. Maintenance access to the site is via Marlowe Close to the north.

The land is owner by Maldon District Council and is allocated as Open Space and Green Infrastructure (Allotments (AL18) and Parks (PA18)) in the Maldon District Local Development Plan.

## **2. PROPOSAL**

The application is for the creation of a flood storage area which would capture, store and regulate the downstream flow of surface water into the existing drainage network.

The storage area would remain dry during normal conditions and hold water at times of flood. Water would be allowed in through a proposed inlet chamber with flap valve from the existing surface water drainage from Marlowe Close to the north. The water would be held in the storage area for a maximum of 10 hours and would be released to the south of the storage area via an outlet chamber and concrete channel with safety screen into a 450mm outlet pipe which would join up to the existing storm water network.

The storage area would have a capacity of 5,600m<sup>3</sup> and have a maximum depth of 1.3m. 4,830m<sup>3</sup> of material would be excavated to form the storage area and approximately 6,760m<sup>3</sup> of material would be exported from the site.

It is also proposed to install improved road drainage along Marlowe Close which would intercept surface water flows and convey them into the flood storage area before re-entering the existing Anglian Water surface water sewer to the south, at a regulated rate.

## **3. POLICIES**

The following policies of the Maldon District Local Development Plan (MDLP) July 2017 provide the development plan framework for this application. The following policies are of relevance to this application:

Maldon District Local Development Plan July 2017

Policy S1 – Sustainable Development  
Policy D1 – Design Quality and Built Environment  
Policy D2 – Climate Change & Environmental Impact of New Development  
Policy D5 – Flood Risk and Coastal Management  
Policy N1 – Green Infrastructure Network  
Policy N2 – Natural Environment, Geodiversity and Biodiversity  
Policy N3 – Open Space, Sport and Leisure

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and updated on 19 February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Maldon District Local Plan is considered further in the report.

#### 4. CONSULTATIONS

MALDON DISTRICT COUNCIL – No objection subject to a condition requiring details of signage

HIGHWAY AUTHORITY – No objection

PLACE SERVICES (Ecology) - No objection subject to conditions requiring the development to be carried out in accordance with the recommendations of the PEA and the submission of a Biodiversity Enhancement Strategy

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Landscape) No objection

PLACE SERVICES (Historic Environment) – No objection subject to a condition requiring the implementation of a programme of archaeological works

MALDON TOWN COUNCIL – No objection but has concerns regarding community engagement, hydraulic modelling, preferred option, construction phase and operational phase

LOCAL MEMBER – MALDON – Maldon – I am currently the Chairman of the Maldon Planning and Licensing Committee. At the Full Council meeting in December 2018 a report regarding the flood alleviation scheme was considered. Members agreed in principle to it.

#### 5. REPRESENTATIONS

111 properties were directly notified of the application. A petition containing 76 signatures has been received together with 91 letters of representation. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
When scheme was first proposed the allotments were to be removed.	Noted. When the scheme was first proposed the allotments were to have been removed. The location of the proposed flood storage area has been revised and as a result the allotments would be retained.
With proposal of moving the play area, which at times cannot be used in heavy rain as area is prone to flooding and planting 77 new trees to establish new detention basin seems a much more acceptable proposal.	Noted
Pleased to read that this scheme will also help relieve possible flooding in Poulton Close.	Noted
Lived in area for 12 years – never experienced any flooding in area	Noted. See appraisal
Will the allotments and children's play area be destroyed by the creation of the	The allotments would be retained. The children's play area would be relocated

flood storage area?	within the site, approximately 15 metres north of its current location.
Houses surrounding the area will not benefit from a pool of stagnant water	Noted. See appraisal
Would not create a safe area for people who live in such close proximity to the flood storage area	Noted. See appraisal
Proposed scheme only seems to include surface water from Marlowe Close which has never flooded to my knowledge	Noted. See appraisal
Scheme appears to be a vast expense and unnecessary size	Noted. See appraisal
Disruption to local area whilst works are carried out	Noted. See appraisal
Number of well established trees within proposed area and the removal will surely disrupt the local water table	See appraisal
Local wildlife and general enjoyment of the park for residents of three estates in immediate vicinity	Noted
Cannot object to relocation of play area as this is the only area of the park to become waterlogged	Noted
Will encourage vermin in area, gardens and homes	Noted. See appraisal
Will devalue properties	Noted. Not a material planning consideration
Will be foul smell from stagnant water	Noted. See appraisal.
Public area used by many people accessing the Community Centre, as a route to Promenade Park or High Street	Noted
Have not received written notification of the plans	The application was advertised in accordance with the requirements of the Essex County Council Statement of Community Involvement September 2015 (revised July 2018) and The Town and Country Planning (Development

Have concerns over the plans to relocate the play area next to a death trap

Noted. See appraisal

Presence of a large volume of open and deep water in such close proximity to houses poses a significant risk to life for children who are attracted to water

Noted. See appraisal

Brickhouse Farm is on a thoroughfare for walking and cycling between the east and west sides of Maldon. A number of children and parents walk this route on a regular basis when travelling between schools and shops and Promenade Park. This increases risk of accidents happening

Noted

Should be Council's intention to build such a facility in an area with the lowest occupancy, lowest thoroughfare and lowest impact on residents?

Noted. See appraisal

Proximity of such a large volume of potentially stagnant water is undoubtedly at risk of increasing the risk of all users to increased amounts of vermin, rodents and smells associated with stagnant water. Would have wholly negative effect on quality of life of local residents.

Noted. See appraisal

Location of flood water detention basin poses significant risk to houses in the area and would likely impact the house valuation. This is a material/financial risk to those occupying the houses and could have significant impact on their personal finances.

Noted. See appraisal. Devaluation of properties is not a material planning consideration

This flood plan could increase insurance premiums and potentially mean that insurance is refused on these houses

Noted. See appraisal

Given the increase in houses within the District outside space is likely to be in even shorted supply. The premium on outside space for families to use in the

Noted. See appraisal

Maldon district should be protected where it can be used. The space at Brickhouse Farm is a valuable community asset and would be sorely missed.

The site has been used as a landing area for the Air Ambulance

Noted

Children, adults and animals could be at risk of entering a possible 1.3m of water and getting into trouble

Noted. See appraisal

What is the distance that any works will start from our back fence?

There would be a 3m green corridor between the attenuation area and residential fences/garden accesses. This is standard practice to ensure residents' access to the park is retained and would enable the maintenance of the green corridor between properties and the attenuation area.

The destruction of a copse of mature trees that are used as a play area by many children as well as dog walkers and acts as a green buffer between two established estates will increase noise and pollution and decrease the wellbeing of residents

Noted. See appraisal

Proposed development will present serious safety hazard to children from both estates many of whom are unaccompanied

Noted. See appraisal

Depth of the pit proposed could cause subsidence problems to the nearby houses, especially on south east side of the site

Noted

Any rainwater collecting there could turn stagnant and small as well as being a breeding ground for mosquitos

Noted. See appraisal

In the long period I have lived in my house cannot recall any problems with flooding. Conclude this flood relief is for the benefit of the massive estate being built on the 93 acres south of the bypass. Why can't this flood relief be built into the new estate rather than

Noted. See appraisal

being squeezed into an amenity area between two established estates to their detriment

Will lose an important recreational area used by children as a play area and adults as a peaceful oasis. Will be left with an ugly mess for children to harm themselves in with no benefits for the surrounding residents.

Noted. See appraisal

Attended public consultation where I wrote down my concerns and questions could not be answered by staff in attendance

Noted.

Water flow modelling and predicted impact is purely theoretical. If there is excessive rainfall the flood defence could overflow and the impact it could have on surrounding area could make flooding worse.

Noted. See appraisal

Could use roundabouts along the causeway as flood defences, open the drainaways that lead off of Mundon Road and along the field and houses

Noted. However this is outside the remit of this application

Houses that have flooded in the past haven't flooded for past 6 or 7 years

Noted. See appraisal

Have no objection in principle to flood alleviation works but am concerned that the proposal is ill considered and may serve to merely redirect flooding to detriment of other properties

Noted. See appraisal

Original documents and supplementary information contain no evidence to support assurances the proposal does not constitute a flood risk to the homes along Mariners Way and onward to the south

Noted

Do not accept principle that redirecting flood water to reduce flood risk to homes in one location by increasing flood risk to homes in another location should be considered an improvement.

Noted

If the detention basin overtops its upper

Noted. See appraisal



level flood water will revert to the existing flood path with the same result as existing arrangement

Proposal does not set out relative levels of existing ground, highest anticipated water level in basin and the level of the top of the bund. Noted

Application is disgusting and will encourage vermin in the area, gardens and houses Noted. See appraisal

Will devalue properties Noted. Not a material planning consideration

In the heat will be a foul smell from stagnant water Noted. See appraisal

So much building work going on in Maldon and surrounding areas. Noise, dust, road works and temporary traffic signals. All adding to grid locked roads, people being delayed and frustrated motorists. Whole area is a building site Noted

Earthworks carried out behind houses, fences may suffer damage for which any claims would not be covered by house insurance. Would lead to homeowners having to fight for compensation with building contractors. Noted. This is not a material planning consideration

Having embankment behind our house would jeopardise our security and privacy Noted. See appraisal

Should be no cutting down of trees – less and less green spaces for people to enjoy Noted. See appraisal

If these works go ahead it will leave the area and view unsightly, unnecessary and most unwanted Noted. See appraisal

Desecration of an area much loved and used all year round by children, dog walkers and people enjoying open spaces Noted. See appraisal

Will Council compensate homeowners if See appraisal

and when their house insurance is raised or when they are unable to secure any insurance due to water being in the vicinity?

Will Council compensate us if properties devalue due to flood risk close to our house? See appraisal

Having a large area of water attracts vermin and biting insects. Stagnant water can lead to serious health concerns like Weils' disease and Lymes disease Noted. See appraisal

Will also give off strong, unpleasant smells which will prevent us using gardens, having windows open or washing out Noted. See appraisal

Not enough open spaces for people to enjoy. Threat of diseases will stop people using it Noted. See appraisal

Children use playground all year round Noted. See appraisal

Children are attracted to area of water but don't realise dangers Noted. See appraisal

Main reason we brought our house is the outlook. If this development goes ahead will be robbed of that Noted. See appraisal

Never seen any excess water that would need to be rechannelled in any way Noted. See appraisal

See this as an opportunity to use a conveniently placed area of greenspace to deal with an issue that does not appear to be a problem at the moment but may be aggravated by the increased volume of new building and spread of 'hard' driveways over garden frontage. Noted. See appraisal

Area works well as a safe and valuable asset to the community Noted

Disruption to community, wildlife and natural habitat would be considerable in relation to the considered benefit to reduce flood risk to properties Noted. See appraisal

Trees were donated by Maldon and Heybridge Horticultural Society for the Millennium. Any replanting and landscaping would take some considerable time to equal current environ

Noted. See appraisal

Continued care by the authorities to keep detention basin clean and clear is a concern

Noted. See appraisal

Anticipated there will be approximately 40 lorry movements per day over a 14 week construction period. These movements will take place via Marlowe Close. Inevitably impacts on the wider Poets estate leading to Marlowe Close and will affect a much wider community then have been contacted via letters dated 18 January 2018.

Noted. Neighbour notification letters were sent out to adjacent properties in accordance with the requirements of the Essex County Council Statement of Community Involvement September 2015 (revised July 2018).

Similar letters should be sent to all residents who will be affected by the lorry movements

The lorry traffic during the construction phase passing through a congested residential area poses an unacceptable disturbance to the local community with the danger of accidents which may possibly result in serious injuries or fatalities.

Noted

Object on grounds that flood team has failed to carry out proper community engagement in accordance with the good practice in CIRIA reports

Noted. There is no legal requirement for the applicant to carry out community engagement although it is strongly encouraged. It is unfortunate that the public session was carried out after the application had been submitted.

Owners of properties would to the south of the proposed basin would be required to notify their insurers that construction work may increase the flood risk to their properties

Noted. See appraisal

Owners of properties may reasonably expect rateable values to be adjusted to compensate them for the increased premiums.

Noted. However this is outside the remit of this application.

County Council may also reasonably expect to be on receiving end of counter claims from those insurers in the event of future flooding where none was recorded previously	Noted. However this is outside the remit of this application
Unclear why the detention basin should form an active part of the surface water drainage system.	Noted. See appraisal
Would not be any consistent water flow through the basin to sustain any consistent environment either semi-permanent dampness or otherwise.	See appraisal
Suggestion seems to have been presented as good idea to help support the idea of the basin but is not supported by reliable evidence and could not be considered to be sustainable	Noted
ECC should be concerned about the unsightly/industrial nature of the proposed inlet and outlet chambers, not consistent with the surrounding residential neighbourhood.	Noted
Detention basin should be redesigned only to store surplus flood water requiring only a single inlet/outlet chamber thereby reducing construction costs, some of which could be utilised to improve the form of the inlet/outlet chamber into something more akin the landscape features	Noted. However this is outside the remit of this application
Errors in Planning Statement, notably relating to time required for the basin to drain. Mentioned as 10 hours in schedule under Item 1 and 9 hours in summary of scheme	The applicant has confirmed it would be 10 hours
Calculation of vehicle movements in relation to removal of surplus material appears to be overstated	Noted
No mention of a Residual Risk Assessment being undertaken. This would have highlighted the risk	Noted. See appraisal

associated with an open body of water up to 1.3 metres deep for approximately 10 hours in a residential neighbourhood with substantial population of children

Concerned the expected one in ten year event would result in basin being flooded would be of relatively short duration. Given the model indicates that 5.3 million litres of surface water would result from the event am concerned that new drainage in Marlowe Close would be inadequate.

Noted. The proposed storage area could hold a maximum of 5,600m<sup>3</sup> of water.

Should proposal also include upgrading a spillway with erosion protection from end of Marlowe Close leading to the basin?

Noted

Images of proposed basin in wet conditions are misleading showing grass ground cover visible through water, which would not be the situation with the basin any more than partially filled.

Noted

Design and inlet and outlet chambers must be more natural feature

Noted

Believe proposed works should be considered under the Environment Impact Assessment (Land Drainage Improvement) Regulations 1999

These Regulations relate to improvement works which are the subject of a project to deepen, widen, straighten or otherwise improve any existing watercourse or remove or alter mill dams, weirs or other obstructions to watercourses, or raise, widen or otherwise improve any existing drainage work.

Community engagement process did not follow the guidance contained within the CIRIA SuDs Manual and Environment Agency guidance on project appraisal

Noted

Do not believe the £9.1 million in damages avoided from pluvial flooding is representative of the possible benefits of the scheme.

Noted

Community engagement process undertaken by applicant department seriously flawed and the application

Noted

should not be determined until an independent examination of the actions of that department have been the subject of an independent review.

Devastated to hear area is being replaced with flood catcher

Noted. See appraisal

Council are spending money on problem that isn't there.

Noted. See appraisal

Breaks my heart to see massive fencing around the field knowing children won't be able to play.

Noted. See appraisal

Why can't it be built in new housing areas?

Noted. See appraisal

## 6. APPRAISAL

The key issues for consideration are:

- A. Need and Flood Risk
- B. Impact on Recreational Amenity
- C. Impact on the Natural Environment
- D. Impact on Historic Environment
- E. Impact on Residential Amenity & Highways

### A NEED AND FLOOD RISK

Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

MDLP Policy S1 (Sustainable Development) states inter alia that "*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the key principle of mitigating against flooding.*"

MDLP Policy D5 (Flood Risk and Coastal Management) states inter alia that "*development should demonstrate how it will maximise opportunities to reduce the causes and impacts of flooding (including fluvial, surface and coastal) through appropriate measures such as Sustainable Drainage Systems (SuDs), flood resilient design, safe access and egress, incorporating identified flood response plans, as well as making best use of appropriate green infrastructure as part of the flood mitigation measures.*" It goes on to say that "*development should also have regard to the aims and objectives of other relevant strategies including the Maldon*

*and Heybridge Surface Water Management Plan.”*

### Need

Essex County Council (ECC) as the Lead Local Flood Authority (LLFA) seeks to manage local flood risk to properties within the Critical Drainage Area (CDA) of Maldon Central, as identified within the Maldon Surface Water Management Plan 2013 (SWMP).

The SWMP is produced by the LLFA in partnership with local authorities and other flood risk management authorities. The SWMP outlines the predicted risk and preferred surface water management strategy for a given area. SWMP's focus on areas of highest surface water flood risk identified in the ECC Local Flood Risk Management Strategy.

A SWMP considers flooding from sewers, drains, groundwater and runoff from land, small water courses and ditches that occurs as a result of heavy rainfall. Areas are identified as Critical Drainage Areas (CDAs) where flood risk is considered to be most significant.

The primary flood risk to properties within the Maldon Central CDA is from surface water flooding with up to 295 properties predicted to be at risk of flooding from a 1% (1 in 100 year) Annual Exceedance Probability (AEP) event and 114 from a 5% (1 in 20 year) AEP event.

The Maldon SWMP identified a preferential flow path which develops along Fambridge Road in a southerly direction. Close to the intersection with Cross Road the flow path predominantly follows the low lying land in a south easterly direction towards the Mariners Way and Limebrook Way areas of Maldon. Due to the urbanised nature of the area the natural flow paths incorporate areas of significant development and therefore create risk to residential properties. The application site was deemed a priority site due to historical flooding incidents and the number of properties indicated to be at risk. As the LLFA, ECC has subsequently conducted a number of detailed studies for the CDA to determine whether the proposed scheme would be a cost beneficial scheme.

A feasibility study has identified the application site as a potential location for a flood storage area within the open space adjacent to the Brickhouse Farm Community Centre to store surface water flows and alleviate flooding to properties downstream.

The proposals also include the installation of improved road drainage along Marlowe Close, immediately north of the Brickhouse Farm Community Centre open space. The proposed road drainage would intercept surface water flows and convey them into the storage area before re-entering the existing Anglian Water surface water sewer to the south east, at a regulated rate.

The proposals have been designed to protect up to 21 residential properties from internal flooding in a 5% AEP event and reduce flood depths to 174 properties in the Maldon Central Area. The storage area would hold a maximum of 5,600m<sup>3</sup> of water and have a maximum depth of 1.3m. It would be seeded and top-soiled to

ensure that the scheme is in keeping with the surrounding environment.

The application site is within Flood Zone 1, land defined as having a less than 0.1% annual probability of flooding from rivers or the sea.

## Design

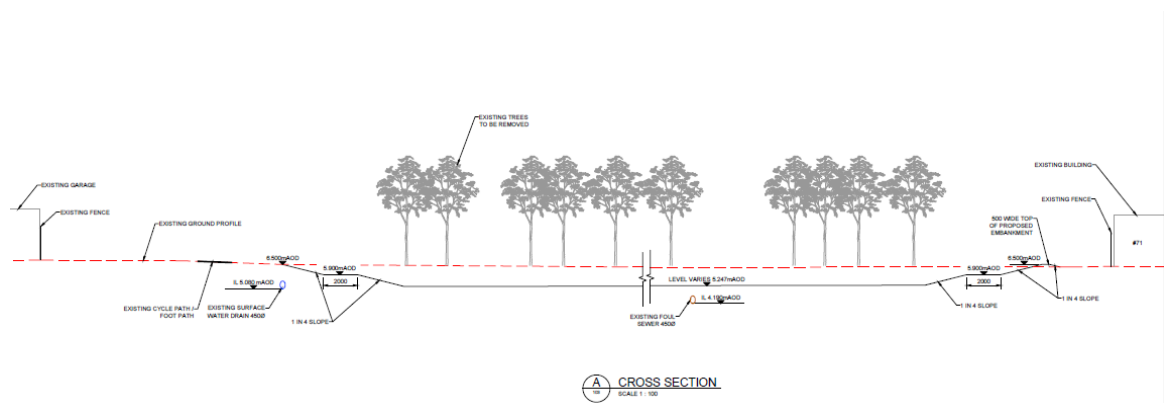
The proposed grated road drainage channels in Marlowe Road would be connected to the existing manhole via a 450mm pipe. The inlet to the storage area would comprise a headwall, flap valves, energy dissipation measures and an apron for erosion protection around the inlet pipes (the main inlet pipe connected to the surface water network and the discharge pipe from the drainage channel on Marlowe Close), as well as a safety screen to prevent unauthorised access to the inlet pipes. The purpose of the flap valves is to prevent reverse flows at high return period events when a high-water level in the storage area could induce backing up of pipes that are below the water level in the storage area. The energy dissipation and apron for erosion protection are required due to the relatively high flow velocities expected during higher return period events.

To ensure a gravity driven system, a fall is required towards the outlet of the storage area to ensure that all the water drains from the area once the storm event has passed. A fall of 1 in 150 across the area would be provided so that water would naturally flow towards the outlet.

The outlet structure from the storage area would comprise a headwall, concrete channel, safety screen and outlet pipe. The headwall would be designed to tie into existing ground levels at the perimeter of the storage area so that the clearance of the screen could be undertaken during flood conditions, ensuring flow out of the storage area was not impeded.

To ensure the area could be used during dry periods a grassed access ramp would be provided to the north west corner of the proposed storage area. The proposed ramp would be compliant with DDA requirements.

The side slopes of the proposed storage area would be 1 in 4 to facilitate ease of maintenance and stability. A benched two-stage slope is proposed with a slope of 600mm depth from the footpath/cycleway, a horizontal section 2 metres wide and a further slope down to the base of the storage area, the depth of which would vary due to the fall of the area towards the outlet pipe.



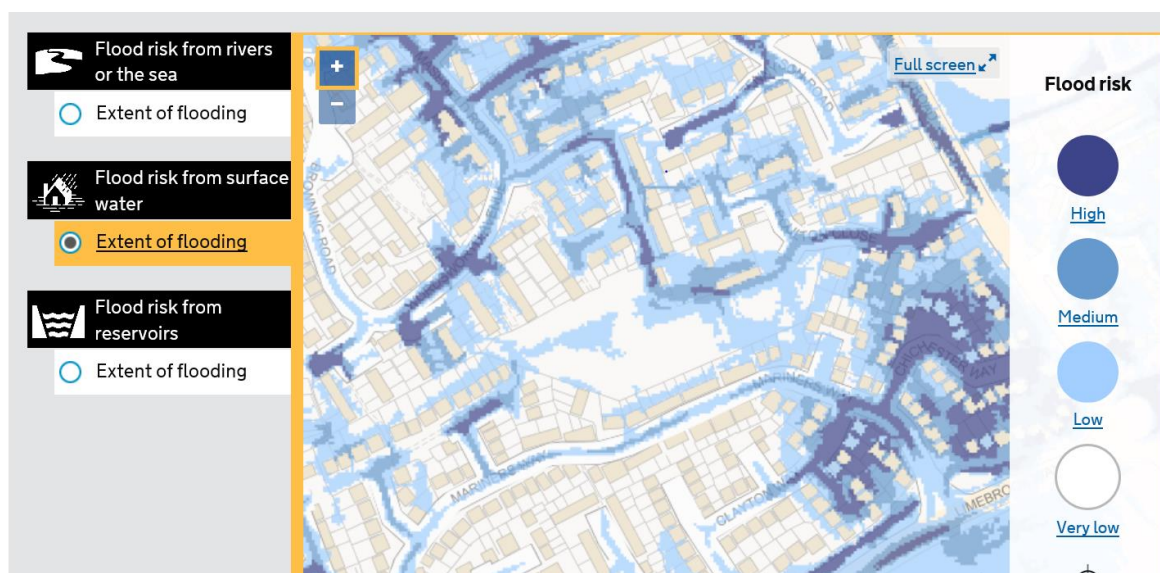


In an exceptional flood event the storage area has been designed such that it would overtop and flow along a designated spillway route. The purpose of the spillway is to prevent water overtopping the basin in an uncontrolled manner and flooding properties that were not affected previously. The spillway would direct excess water back to the original flow route of the flooding. The existing flowpath runs along Poulton Close to the west of the site and the aim of the spillway is to direct the water to Poulton Close to avoid spillage to the south and potentially flooding properties in Mariners Close. It is proposed to raise the kerbs on the southern side between the footpath/cycleway and the allotments.

Maldon District Council has commented that the driver of the proposal is to improve surface water drainage within the part of Maldon which has been identified as part of a Critical Drainage Area. The proposal would bring about benefits in terms of managing flood risk, by enabling the direction of water from properties at greater risk and it is considered that this is consistent with the objectives of Policy D5.

A number of representations have stated they are unaware of any flooding in the area, despite living there for many years.

The applicant has responded by stating that the Environment Agency's Updated Flood Maps for Surface Water show that the Maldon Central area is at high risk of surface water flooding and has also been identified as a Critical Drainage Area (CDA) within Essex County Council's feasibility studies. CDA's area identified based on the risk associated with the modelling of a hydraulic catchment as well as any incidents of historic flooding that have been received by Anglian Water, Essex County Council, Essex Highways and Maldon District Council. During the public engagement event several residents referred to historic flooding incidents in the area.



As a result of climate change the increased frequency and severity of flood events and surface water flows are expected to increase. The proposed attenuation area would capture and hold back flows to protect properties from internal property flooding and reduce flood depths to properties in the surrounding area.

The open space adjacent to Brickhouse Farm Community Centre was identified as the preferred location for the storage area because of the overall benefits it achieves. As the Maldon Central Area is heavily urbanised, there are limited spaces to deliver a flood alleviation scheme. The applicant considers that as the green space adjacent to Brickhouse Farm is in close proximity to the key surface water flow path running through the Critical Drainage Area (CDA) the proposed scheme is the most logical and cost-effective point to intercept and direct the water into the storage area.

One of the Preferred Options contained within the 2013 Maldon and Heybridge Surface Water Management Plan (SWMP) involved the applicant investigating the benefits of directing runoff (preferential flow path) into the playing fields of Plume School and promoting shallow storage above the playing surface along with directing and storing flows within the open space east of Mundon Road.

However, this would have caused significant disruption to the local community intercepting surface water flows at Shakespeare Drive and transporting the water approximately 400m to the green space. The costs associated with upgrading the local drainage network along with ongoing disruption to the surrounding road would have made the delivery of this proposal unrealistic and too costly.

Representations also asked why the storage area couldn't have been constructed within the green space owned by Essex County Council immediately to the south of the field owned by Plume School or within the roundabouts on Limebrook Way. The applicant has confirmed that neither of these locations would have achieved the same amounts of flood risk reduction benefits to the residential properties in the area.

Representations also asked whether it was possible to postpone the delivery of the scheme for 10-20 years until such time as the land south of Limebrook Way was developed so that the scheme could be incorporated into the development design and funding contributions from the developer would help pay for the scheme which would also protect any new residential development.

The applicant has responded by stating that it is anxious to deliver the proposed scheme as soon as possible to ensure properties are protected from significant surface water flood risk.

There is no guarantee that the land would be developed over the next few years which would continue to leave the properties in the Maldon Central area vulnerable to flooding. Furthermore, any proposals to deliver a flood alleviation scheme on developer land would require Essex County Council to pay compensation to the developer which could put the scheme at risk of being unfeasible from a financial point of view.

The applicant has stated that any new major development to the south of Limebrook Way would have its own surface water drainage strategy to manage surface water run-off to ensure flood risk was not increased to existing properties. Given the topography of the land in the area, any scheme delivered south of Limebrook Way would not protect properties surrounding Brickhouse Farm.

Following construction of the attenuation area Maldon District Council would be responsible for maintenance as landowner. This would include maintenance of the landscaped areas within the storage area including the slopes as well as ensuring the inlet, outlet and low flow pipes were kept clear and functioning correctly. Should planning permission be granted a Memorandum of Understanding or formal legal agreement would be prepared. Essex County Council would inspect the area on an annual basis as part of the Flood Assets Register inspection.

Local residents have also expressed concern that the proposed scheme could increase flood risk to their properties and the surrounding area.

The applicant has confirmed that the scheme has been designed to protect properties and would have been discounted during the feasibility process if it was found to have increased flood risk elsewhere.

Residents have also raised concerns regarding the insurability of their properties should the proposed scheme be delivered. As Local Lead Flood Authority, Essex County Council has delivered flood alleviation schemes across the county and is not aware of any of them negatively affecting the insurability of residential properties and has stated that the proposed storage area would help reduce the potential of flooding from surface water during extreme events.

It is considered that it has been demonstrated that there is a need to reduce the risk of surface water flooding in the area and that the proposed scheme would achieve this in compliance with the principles set out in paragraph 148 of the NPPF, Policy S1 (Sustainable Development) and Policy D5 (Flood Risk and Coastal Management) of the Maldon District Local Development Plan July 2017.

## B IMPACT ON RECREATIONAL AMENITY

MDLP Policy S1 (Sustainable Development) states inter alia that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principle of the effective management of the District’s green infrastructure network.”*

MDLP Policy N3 (Open Space, Sport and Leisure) states inter alia that *“proposals for development on open space (including district parks, local parks, children’s play areas, cycle ways, bridleways, footpaths and allotments), sports and recreational building and land, including playing fields will not be allowed.”*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that *“all development must respect and enhance the character and local context and make a positive contribution in terms of providing sufficient and usable private and public amenity spaces, green infrastructure and public open spaces.”*

The site is designated as open space within the Maldon District Local Plan. The site forms a valuable piece of open space (including allotments (AL18), a children’s play area (PA18) and a Community Centre) and is highly valued and used regularly by the local community. A shared footpath/cycleway (not a formally

designated right of way) crosses the site east to west from Johnston Way to Poulton Close.



The existing allotments would not be affected by the proposed storage area. However, it is necessary to relocate the existing children's play area approximately 15 metres north of its current location.

Several representations have raised concerns about the presence of the flood storage area on an area of open space close to a children's play area and residential properties and on a popular walking/cycle route between estates, local facilities and Promenade Park.

Concerns relate to the fact that the storage area would be 1.3m in depth and when full of water would be particularly attractive to children which would bring serious safety implications.

The applicant is not proposing to erect fencing around the storage area so that the area would remain open and available for use by the local community and would not impact on the visual amenity of the area. The storage area would only contain water at times of excessive rainfall when it is more unlikely that the area would be used by the local community and would drain within a maximum of 10 hours. The applicant is willing to provide signs and safety equipment around the storage area if required.

Concerns have also been raised about the potential for rats, vermin, mosquitos and odours from stagnant water and the possibility that people would stop using the park area as a result.

The majority of mosquitos require permanent, still water to live and/or breed in. The proposed storage area would only contain water at times of excessive rainfall and drain within a maximum of 10 hours. Even if further rainfall added to the water in the storage area within that time it would not provide a suitable habitat for

mosquitos.

Similar schemes delivered around the County over the last 4 years have not resulted in the presence of rats or vermin. As the storage area would only contain water at times of excessive rainfall and would drain within a maximum of 10 hours it is not considered that it would provide a suitable environment for rats and vermin.

Representations have also made reference to the risk of catching Legionnaires disease, Weil's disease and Lyme disease from stagnant water in the storage area.

Legionnaires disease is generally caught by inhaling tiny droplets of water containing the bacteria that causes the infection. The NHS website states it is more commonly caught in places like hotels, hospitals or offices where the bacteria has got into the water supply. It is normally caught from things like air conditioning systems, spa pools and hot tubs and showers, taps and toilets. The website states that it cannot normally be caught from drinking water containing the bacteria, other people with the infection or places like ponds, rivers and lakes.

Weil's disease (Leptospirosis) is spread in the urine of infected animals – most commonly rats, mice, cows, pigs and dogs. It can be caught if soil or fresh water (such as from a river, canal or lake) containing infected urine gets into the mouth, eyes or a cut usually during activities like kayaking, outdoor swimming or fishing. Again as the proposed storage area would only contain water at times of excessive rainfall and would drain within a maximum of 10 hours it is not considered it would provide a suitable environment for rats and other vermin and therefore the likelihood of Weil's disease being present is low.

Lyme's disease is caught from the bites of infected ticks. Although ticks that may cause Lyme's disease are found all over the UK, high risk areas include grassy and wooded areas in southern England and the Scottish Highlands. If planning permission is granted Maldon District Council would be responsible for the maintenance of the storage area, including cutting the grass and it is not considered that the risk for Lyme's disease would be any greater than existing.

As stated previously the storage area would only contain water during periods of excessive rainfall and should be empty within a maximum of 10 hours and therefore the water should not be in the storage area for a long enough period of time to become stagnant.

Maldon District Council has not objected to the proposed scheme and has commented that the open space would not be lost but would be re-configured and therefore, whilst there would be some temporary disruption there would be no overall decrease in open space provision at the site. Being part of the surface water drainage network would affect the usability of the open space at times when water is present, but it is considered that this would be at times when the demand to use the open space is minimised.

Maldon District Council has requested a condition be attached should planning permission be granted requiring details of boundary treatment and/or signage to

be submitted. This request is primarily in the interest of ensuring that the measures do not detract from the character and appearance of the site and surrounding area.

Several residents have stated that it would be sensible to move the children's play area as its existing location becomes boggy during inclement weather and is unusable.

The applicant is in discussion with Maldon District Council, as landowners, with regards to the type of play equipment that would be provided in the relocated area. It would be an opportunity to modernise the existing equipment as well as laying all-weather matting so that the area could be used following periods of rainfall.

Concerns have been raised over the proposed re-location of the children's play area which would be closer to properties in Marlowe Close and the potential for noise, anti-social behaviour and overlooking of properties/gardens as a result. Further consideration is given to the potential impacts on residential amenity further in the report.

Although the proposed scheme would mean that areas of the open space were unavailable for use during periods of excessive rainfall, there would not be a loss of open space which is considered to be in accordance with Policy S1 (Sustainable Development), Policy N3 (Open Space, Sport and Leisure) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

## C IMPACT ON THE NATURAL ENVIRONMENT

MDLP Policy S1 (Sustainable Development) states inter alia that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principle of conserving and enhancing the natural environment by providing protection and increasing local biodiversity and geodiversity."*

MDLP Policy N1 (Green Infrastructure Network) states inter alia that *"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."*

MDLP Policy N2 (Natural Environment, Geodiversity and Biodiversity) states inter alia that *"All development should seek to deliver net biodiversity and geodiversity gain where possible."*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that *"all development must respect and enhance the character and local context and make a positive contribution in terms of natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value."*

### Landscape/Trees

On the site of the proposed flood storage area is a copse of trees which will



require removal.

An Arboricultural Impact Assessment (AIA) and Draft Method Statement were submitted as part of the planning application.

All the existing trees (34 trees with and 1 tree group) within the application area would need to be removed to allow the construction of the storage area. The maximum depth of the attenuation area would be 1.3m below existing ground level. This depth is too deep to consider lowering the ground level around the trees and would affect the amount of water the area could hold.

The removal of the trees would result in significant loss in terms of visual amenity as the trees are visible from all publically accessible areas of the site and provide a unique landscape character.

None of the existing trees are subject to Tree Preservation Orders (TPOs). There is a mixture of tree species on the site including Silver Birch (*Betula pendula*), Lime (*Tilia*), Sycamore (*Acer pseudoplatanus*), Hawthorn (*Crataegus*), Field Maple (*Acer Campestre*), Pine (*Pinus* sp.) and fruit trees – Apple (*Malus*) and Pear (*Pyrus*). 27 of trees proposed for removal are category B (including the small group), 6 are category C and 1 is category U. The overall condition of the trees is considered to be good with a high amenity value. Most of the trees are semi-mature and considered to contribute to a distinctive landscape character.

It is proposed to plant a total of 77 replacement trees within the site in mitigation. The AIA recommends that the replacement trees should be similar species to those being removed. Where a Category B tree is removed, it should be replaced with a semi-mature tree that should be at least 12-14cm in girth and when a Category C tree is removed, it would be suitable to replace it with a young tree which should be at least 8-10cm in girth. It suggests that suitable species for the replacement planting could include Cherry (*Prunus* sp.) and Alder (*Alnus glutinosa*) along with Pine, Birch and fruit trees.

Maldon District Council has commented that the proposal would not result in the loss of the existing use, but its reconfiguration and whilst there would be some reduction in usability and removal of existing landscaping at the site, it is considered that this would be off-set by the replacement landscaping and the benefits derived from reduced flood risk. It has no objection in relation to the content of Policy N1.

Maldon District Ward Members have raised an objection to the scheme on the grounds that the removal of a significant number of mature trees would have a detrimental impact on the amenities of the site and would be contrary to Policy N2.

Maldon District Council's tree officer has commented that the scheme involves removing a large number of trees that were likely planted when the estate was built with the purpose of providing screening and amenity. The trees have matured to provide the park with the screened setting it currently enjoys within the urban landscape. The removal of the trees would have a significantly detrimental impact on the amenity of the site but will also likely have an impact on the surrounding residents' enjoyment of their properties from possible noise and privacy when

activities take place in the park.

New planting would be provided which would help to mitigate to a certain degree. Concerns are raised regarding the establishment of the trees and having funding in place to accommodate their welfare, replacement and management. Vandalism could present a risk and there could be costs associated with replanting.

Concerns have been raised regarding the suitability of the proposed planting of a London Plane and 2 Sycamores close to the relocated play area. Sycamores characteristically have aphid infestations which result in sticky deposits and attract stinging insects. London Planes have fine hairs on the underside of their leaves, which help with pollution sequestration but can irritate eyes and throats when in close and constant proximity. The canopy overhang to the play area could provide a roost for birds and result in bird mess causing health and safety concerns. Having these species close to properties could cause issues at a later date with subsidence and shadow cast, given the orientation of the site.

It is suggested that Silver Birch and Willow are included in the replacement planting together with the proposed Alder and Silver Maple. Alder, Birch and Willow are more indigenous to wet woodland environments, with potentially looking at managing the Willow as coppice rather than allowing it to develop into trees. Consideration could also be given to including some Cricket Bat Willows that could be harvested in the future with proceeds going back to enhancing the management of the park.

More consideration should be given to the tree species proposed to be used in the replacement planting, taking into account suitability for location, space to develop, seasonal interest and security via design. The redevelopment of the park setting would be important with the species used, their positioning in relation to park use and possible impact on usage of the park and surrounding properties. The formation of a community group for the park and community planting projects could help reduce vandalism and encourage the park to be looked after.

Any replanting scheme would need to have a robust aftercare and management schedule, with appropriate funds set aside to address this issue to help the new setting become established and self-sufficient.

Place Services (Arboriculture) has no objection to the proposed scheme.

The proposed flood storage area would consist of a meadow grass mix for wet soils and a general purpose meadow mix of wild flowers.

Place Services (Landscape) has no objection to the proposed scheme. It has commented that the proposals would have a large impact in the existing tree stock. The removal is felt to be justified through the proposed mitigation strategy. It is considered that the variety of species and stock sizes provide good compensation for the loss. It is recommended that the density and area of woodland planting is specified on landscape proposals.

In light of the comments made by Maldon District Council (with regard to replacement tree planting, in particular the proposed tree species) and Place



Services (Landscape), it is considered appropriate to attach a condition requiring the submission of a detailed landscaping plan, including a landscape management plan. It is also considered appropriate to attach the standard condition requiring the replacement planting of any landscaping that dies, is damaged, diseased or removed with a 5 year period following completion of the proposed development.

### Ecology

A Preliminary Ecological Appraisal was submitted as part of the application. It concludes that the site is generally of low ecological value but does contain some biodiversity features/potential which include a plantation woodland with potential for nesting birds and potential for transient reptiles. The Appraisal recommends that tree work should be carried out between March and August inclusive; a native re-planting scheme should be provided by the applicant to fully compensate for any tree losses on site and tall ruderal habitat should be cleared between March and October when reptiles are active and can easily move away from the area.

Place Services (Ecology) supports the application and has commented that sufficient ecological information has been provided. This information provides certainty for Essex County Council of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured the development can be made acceptable. The biodiversity enhancements proposed should be secured by condition.

Two conditions are proposed should planning permission be granted. The first requires all mitigation and enhancement measures and works to be carried out in accordance with the details contained in the Preliminary Ecological Appraisal submitted with the application and the second requires the submission of a Biodiversity Enhancement Strategy.

Whilst the loss of all of the existing trees on the site is regrettable, it is considered that the replacement planting of 77 trees, including semi-mature trees, would provide adequate mitigation.

Further it is considered that subject to the imposition of conditions relating to landscaping, mitigation and enhancement measures, Biodiversity Enhancement Strategy as proposed, it is considered that the proposed scheme would be in accordance with Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

## **D IMPACT ON HISTORIC ENVIRONMENT**

MDLP Policy S1 (Sustainable Development) states inter alia that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will apply the following key principles in policy and decision making: conserve and enhance the historic environment by identifying the importance of local heritage and providing protection to heritage assets in accordance with their significance.”*

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that “*all development must respect and enhance the character and local context and make a positive contribution in terms of historic environment particularly in relation to designated and non-designated heritage assets.*”

An Archaeological Desk Based Assessment was submitted as part of the application.

The Assessment concluded that the site is located within an area with prehistoric and Roman settlement in the vicinity. There is the possibility of further unknown below ground archaeology being present, particularly relating to the former extent of the post-medieval farm yard of Brick House. Archaeological deposits are both fragile and irreplaceable and the construction of scheme has the potential to impact on archaeological deposits and landscape features.

A programme of archaeological investigation will be required if groundworks are necessary for the construction of the scheme. A range of options are available:

- Trial trenching would define the nature of the surviving archaeological deposits if groundworks or extraction is required.
- A condition on the planning consent requiring work post consent

Place Services (Historic Environment) has no objection to the proposed scheme subject to a condition requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

It is considered that providing the proposed development is carried out in accordance with the submitted information and the proposed condition it would be in accordance with Policy S1 (Sustainable Development) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

## E IMPACT ON RESIDENTIAL AMENITY & HIGHWAYS

A public consultation event was held at Maldon District Council offices on 19 February 2019 between 3pm-8pm.

There has been criticism of the fact that a public consultation event was not held until the consultation period for the planning application ended. The applicant has responded by stating that it was originally hoped to hold the event at the Brickhouse Farm Community Centre prior to the submission of the application. There were problems in trying to contact the appropriate persons at the Centre to arrange a date. When contact was made the applicant was informed that Centre was in constant use and an alternative venue would need to be found.

With the benefit of hindsight the applicant is aware that holding the public session prior to the submission of the application may have resulted in the receipt of less representations as local residents would have had the opportunity of raising their concerns and asking questions about the scheme at an earlier opportunity.

There has also been criticism that members of the flood team in attendance at the event were unable to provide answers to questions raised by local residents and seemed unaware of the site constraints.

As part of the pre-application process it was recommended to the applicant that public consultation was carried out prior to the submission of the application. There is no legal requirement for the applicant to do so and it would not have been appropriate to refuse to validate the application for that reason. Representations on the planning application were accepted after the end date of the consultation period to enable residents to submit comments on the proposed scheme after attending the public session. It is not considered that any residents have been disenfranchised by this approach.

MDLP Policy D1 (Design Quality and Built Environment) states inter alia that “*all development must respect and enhance the character and local context and make a positive contribution in terms of protecting the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.*”

During the construction phase of the flood storage area there is potential for disturbance to the local community by way of noise, dust and lorry movements removing the excess excavated materials from the site.

The nearest residential properties to the proposed construction route would be to the north in Marlowe Close; although it is acknowledged that the increased lorry movements have the potential to impact on other residential properties on the estate. It is estimated that there would be 40 lorry movements per day for 14 weeks during the construction of the proposed storage area. It is important that the scheme is carefully managed by all involved with the scheme to ensure that the potential for significant adverse impacts on the local community are minimised.

The Highway Authority has no objection to the proposed scheme but has noted that no Construction Management Plan was submitted as part of the application. The applicant commits to the submission of a Construction Management Plan. It is therefore considered appropriate to attach a condition should planning permission be granted requiring the submission of a Construction Management Plan prior to the commencement of development.

Clarification is required by the Highway Authority on how the proposed highway works in Marlowe Close would be managed to ensure access is maintained at all times. It is considered appropriate for this to form part of the Construction Management Plan.

The application is silent with regard to dust management. It is expected that this would be managed throughout the construction period. As such, dust management could be incorporated into a condition requiring a Construction Management Plan, should planning permission be granted.

The actual operation of the proposed scheme would not be considered to be particularly noisy or to have a more significant detrimental impact on the residential amenity, than the existing recreational use.

As stated previously it is necessary to relocate the existing children's play area approximately 15 metres north of its current location, adjacent to residential properties in Marlowe Close.

The relocation of the children's play area 15 metres to the north of its existing location could have an adverse impact on the nearest residential properties in Marlowe Close, by way of noise, overlooking and loss of privacy.

Representations have expressed concerns about the proximity of the relocated play area to residential properties and the potential for noise and anti-social behaviour.

Other representations have expressed support for the relocation of the play area as it is considered unusable in times of inclement weather.

The applicant is in discussion with Maldon District Council with regards to the play equipment for relocated play area, to ensure that there would be no potential for overlooking or lack of privacy for the nearest residential properties. There is an opportunity for the modernising of the existing equipment, provision of new equipment and/or the provision of all-weather matting to make the area accessible when wet.

It is considered appropriate to attach a condition should planning permission be granted for details of the proposed play area to be submitted prior to installation.

It has been suggested by Maldon District Council that the formation of a community group for the park could help reduce vandalism. It may also help reduce the potential for anti-social behaviour in the children's play area.

It is considered appropriate to attach a condition, should planning permission be granted, requiring details of the proposed play equipment to be installed in the play area to be submitted so that the potential for overlooking and lack of privacy of the nearest residential properties is minimised.

It is considered that with the selection of appropriate play equipment for the play area there should not be any potential for overlooking or loss of privacy for the nearest residential properties.

With the proposed relocation of the children's play area, adjacent to residential properties in Marlowe Close it is accepted that there is the potential for noise disturbance. This area is existing open space and available for informal recreation activities by the local community which brings its own potential for noise disturbance. It is not considered that the relocation of the children's play area would have a significant detrimental impact on the residential amenity of the adjacent residential properties and would be in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

## **7. CONCLUSION**

It is considered that there is an identified need for flood protection in the Brickhouse Farm area of Maldon. The proposed site is considered to be a suitable location in terms of proximity and the proposed design would be the optimum to ensure minimal impact in compliance with the NPPF and Policy S1 (Sustainable Development), Policy D5 (Flood Risk and Coastal Management), Policy N1 (Green Infrastructure Network) and Policy N3 (Open Space, Sport and Leisure) of the Maldon District Local Development Plan July 2017.

It is not considered that the proposed scheme would prejudice the use of the land for informal recreation. Although there would be times when the storage area would be full of water, and therefore inaccessible, the existing children's play area and footpath/cycleway would be retained (albeit in a slightly different location) and, as such, would be in accordance with Policy S1, Policy

Furthermore, it is considered that with the imposition of conditions relating to the construction period there would not be a significant impact on amenity, in compliance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

The development would necessitate the removal of all 34 existing trees and 1 group of trees on the site, which is unfortunate. It is proposed to replant 77 trees in mitigation, with species more suitable for wet conditions. It is considered that the imposition of landscaping and ecological conditions with regards to the submission of a detailed landscaping scheme and ecological enhancements would mean that the proposed scheme would be in compliance with Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

Overall it is considered that the proposed scheme would meet the criteria of Policy S1 (Sustainable Development), Policy N1 (Green Infrastructure Network) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan 2017 where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the area.

## **8. RECOMMENDED**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 19 December 2018 and validated on 9 January 2019 together with:

- Preliminary Ecological Appraisal version 1.4 prepared by Place Services dated 10 December 2018
- Archaeological Desk Based Assessment prepared by Place Services dated April 2017
- Planning Statement dated 19 December 2018
- Arboricultural Impact Assessment and Draft Method Statement prepared by Place Services dated 14 December 2018
- Drawing Number MAL2\_00 Rev A (Proposed Landscape Plan) dated 9 February 2019
- Drawing Number 5154071-ATK-MC-DR-T-102 Rev PO1 (Site Plan) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-104 Rev PO1 (Proposed Cross Section) dated 14 December 2018
- Drawing Number 5154071-ATK-MC-DR-T-101 Rev PO1 (Location Plan) dated 14 December 2018

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S1 (Sustainable Development), Policy D1 (Design Quality and Built Environment), Policy D2 (Climate Change & Environmental impact of New Development), Policy D5 (Flood Risk and Coastal Management), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy N3 (Open Space, Sport and Leisure) of the Maldon District Local Development Plan July 2017.*

3. No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 4 of this permission.

Reason: *To comply with Section 197 of the Town and Country Planning Act 1990 (as amended) to improve the appearance of the site in the interest of visual amenity and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 4 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years following planting shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

5. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy D1 (Design Quality and Built Environment) and Policy S1 (Sustainable Development) of the Maldon District Local Development Plan July 2017.*

6. No soils or materials shall be imported to the site for the purpose of constructing the Flood Storage Area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev P01 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018.

Reason: *To ensure that there are no adverse impacts on local amenity from the development, not assessed in the application details, and to comply with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

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 County Planning Authority. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

The Plan shall additionally provide details for the management of the exportation of soils from the site, dust management, commitment to no handling or movement of soils unless they are in a dry and friable condition, maintenance of access to Marlowe Close during the proposed drainage improvement works and working hours.

The development shall take place in accordance with the approved Plan.

8. Reason: *To ensure that during the construction period, on-street parking of 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, to ensure the protection of amenity during the construction period and in compliance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

9. No signage or safety equipment shall be installed around the perimeter of the flood storage area hereby permitted until details of the signage and safety equipment have been submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: *In the interests of public safety and visual impact and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

10. No play equipment shall be erected or installed in the relocated play area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018 until details of the play equipment including heights have been submitted to and approved in writing by the County Planning Authority.

Reason: *To ensure that there are no adverse impacts on the neighbouring residential properties by way of overlooking or loss of privacy and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

## **BACKGROUND PAPERS**

Consultation replies  
Representations

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)**

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

## **EQUALITIES IMPACT ASSESSMENT**

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

## **STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER:** In determining this



planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

MALDON - Maldon