

APOLOGIES Committee Services  
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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE  
Paul Dodson

8 November 2022

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 16 NOVEMBER 2022 at 7.30 pm**

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

Please Note: All meetings will continue to be live streamed on the [Council's YouTube channel](#) for those wishing to observe remotely. Public participants wishing to speak remotely at a meeting can continue to do so via Microsoft Teams.

To register your request to speak please submit a [Public Access form](#) (to be submitted by 12noon on the working day before the Committee meeting). All requests will be considered on a first-come, first-served basis.

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

**COMMITTEE MEMBERSHIP:**

CHAIRMAN	Councillor C Mayes
VICE-CHAIRMAN	Councillor N G F Shaughnessy
COUNCILLORS	Miss A M Beale M R Edwards M S Heard B B Heubner K M H Lagan S P Nunn P L Spenceley Mrs J C Stilts C Swain





## **AGENDA CENTRAL AREA PLANNING COMMITTEE**

**WEDNESDAY 16 NOVEMBER 2022**

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1. **Chairman's notices**
2. **Apologies for Absence**
3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 19 October 2022 (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, Other Registrable interests and Non-Registrable Interests relating to items of business on the agenda having regard to paragraph 9 and Appendix B of the Code of Conduct for Members.

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

5. **22/00820/FUL - The Promenade Park, Park Drive, Maldon, Essex** (Pages 11 - 32)

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

6. **22/00983/ADV Langford Road, Heybridge, Essex** (Pages 33 - 46)

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

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

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### **Note:**

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

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

## **NOTICES**

### **Recording of Meeting**

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

### **Fire**

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

### **Health and Safety**

Please be advised of the different levels of flooring within the Council Chamber.

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

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

## **BACKGROUND PAPERS**

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

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

### **Development Plans**

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

### **Legislation**

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

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

#### **i) Government policy and guidance**

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

## **Supplementary Planning Guidance and Other Advice (continued)**

### **ii) Essex County Council**

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

### **iii) Maldon District Council**

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

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

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**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
19 OCTOBER 2022**

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**PRESENT**

Chairman	Councillor C Mayes
Vice-Chairman	Councillor N G F Shaughnessy
Councillors	Miss A M Beale, M R Edwards, M S Heard, B B Heubner, K M H Lagan, S P Nunn, P L Spenceley, Mrs J C Stilts and C Swain

**305. CHAIRMAN'S NOTICES**

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

**306. APOLOGIES FOR ABSENCE**

There were none.

**307. MINUTES OF THE LAST MEETING**

**RESOLVED** by assent that the Minutes of the meeting of the Committee held on 27 July 2022 be approved and confirmed.

**308. DISCLOSURE OF INTEREST**

There were none.

Prior to starting the presentations the Chairman advised that she intended, with the agreement of the Committee, to consider Agenda Item 6 first followed by Agenda Item 5, these applications were interrelated. She advised that both applications had the potential to be refused or approved and that reversing the applications on the agenda was the best approach in order to proceed appropriately. This was agreed by assent.

**309. 22/00672/HOUSE - 27 MUNDON ROAD, MALDON, ESSEX, CM9 5JT**

<b>Application Number</b>	<b>22/00672/HOUSE</b>
<b>Location</b>	27 Mundon Road, Maldon, Essex, CM9 5JT
<b>Proposal</b>	Single storey rear extension.
<b>Applicant</b>	Ms Jacqueline Drummond
<b>Agent</b>	Mr Tony Rymill
<b>Target Decision Date</b>	21.07.2022

<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Applicant is Member of staff

Following the Officer's presentation the Chairman opened the discussion.

A debate ensued where a number of Members raised concerns regarding the size of the proposed extension and the proximity to the neighboring property, whilst some felt that the scale and design was acceptable. The Lead Specialist: Development Management said that in addition to the adverse visual impact the structure as a whole had an overbearing impact on the neighbouring property.

Councillor Lagan felt that the reason for refusal was very clear as the extension would be overbearing and was not in keeping with the streetscene. Councillor Heard proposed that the application be refused in accordance with the Officer's recommendation and this was seconded by Councillor Edwards.

There being no further discussion the Chairman put the recommendation to refuse the application to the Committee and it was unanimously agreed by assent.

**RESOLVED** that the application be **REFUSED** for the following reason:

1. The proposed extension, due to its siting, bulk, height, and excessive depth, is considered an unneighbourly development likely to have a domineering and overbearing impact on the amenities of the neighbouring property. The proposal would thereby be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

### **310. 22/00346/FUL - 27 MUNDON ROAD, MALDON, ESSEX, CM9 5JT**

<b>Application Number</b>	<b>22/00346/FUL</b>
<b>Location</b>	27 Mundon Road, Maldon, Essex, CM9 5JT
<b>Proposal</b>	Single storey detached granny annexe
<b>Applicant</b>	Mr Christopher Drummond
<b>Agent</b>	Mr Tony Rymill
<b>Target Decision Date</b>	10.05.2022 EOT – 01/07/2022
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>MALDON</b>
<b>Reason for Referral to the Committee / Council</b>	Applicant is Member of staff

Following the Officer's presentation the Chairman opened the discussion.

A debate ensued where issues were raised around the evidence of a functional link with the main dwelling, the use of mitigating circumstances and the existing back gate.

In response the Lead Specialist: Development Management advised that the functional link was notional as the annexe did not have to be physically attached to the main dwelling. In this example there were shared facilities together with a caring element due to a level of disability. This meant that there was a reliance on the main house, whilst maintaining a level of independence. The key factor was the annexe as proposed was integral to the main dwelling, not separated by fencing.



With reference to the mitigating circumstances he advised that this was in accordance with the Planning SPD (Supplementary Planning Document) and that there had been examples of these types of extenuating circumstances across other committees. It was noted that the issue of the gate was a matter for enforcement and that the existing conditions were robust.

Councillor Edwards proposed that the application be approved in accordance with the Officer's recommendation and this was seconded by Councillor Heard.

There being no further debate the Chairman put the recommendation to approve to the Committee and it was agreed by assent.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: Design and Access Statement, 1 Proposed & Existing Block Plan and Roof Plan, 2 Elevations, 3 Proposed Floor Plans
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
- 4 The outbuilding hereby approved shall only be used for purposes incidental to the residential use of the dwelling known as 27 Mundon Road, Maldon and shall not be used as a separate dwelling unit.

### 311. 22/00820/FUL - THE PROMENADE PARK, PARK DRIVE, MALDON, ESSEX

<b>Application Number</b>	<b>22/00820/FUL</b>
<b>Location</b>	The Promenade Park, Park Drive, Maldon, Essex
<b>Proposal</b>	Use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Paul Calder – Real8 Group
<b>Target Decision Date</b>	11.10.2022
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council application relating to Council owned land Call-in by Councillor Swain for the following reason(s): so that its implications can be considered in detail by Committee. Policies N1 and N3 are both affected.

A Members' Update had been circulated prior to the meeting that detailed comments from the Strategy Team who were internal consultees. A further verbal update was provided by the Case Officer that a consultation response from ECC Ecology had been received which raised no objection to the proposal subject to conditions being imposed. Following the Officer's presentation the Chairman opened the discussion.

At this point Councillor Spenceley declared a non-pecuniary interest in this item of business.

A debate ensued where the consensus was that there was not sufficient information to come to a decision on the application. Other concerns were raised around potential adverse impacts on the climate change strategy, the character and appearance of the area, failure to enhance the historic environment and the lack of a long-term management plan.

The Chairman proposed that the application be deferred to come back to the Central Area Planning Committee with further information on the Promenade Park management plan together with a well thought through strategy for the development. This was seconded by Councillor Nunn. She then put the proposal to defer the application to the Committee and it was unanimously agreed.

**RESOLVED** that the application be **DEFERRED** to allow the applicant an opportunity to provide further information.

The meeting closed at 8.45 pm.

C MAYES  
CHAIRMAN



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**CENTRAL AREA PLANNING COMMITTEE  
16 NOVEMBER 2022**

<b>Application Number</b>	<b>22/00820/FUL</b>
<b>Location</b>	The Promenade Park, Park Drive, Maldon, Essex
<b>Proposal</b>	Use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Paul Calder – Real8 Group
<b>Target Decision Date</b>	11.10.2022
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council application relating to Council owned land Call-in by Councillor C Swain for the following reason(s): so that its implications can be considered in detail by Committee. Policies N1 and N3 are both affected.

## 1. **BACKGROUND**

- 1.1 This application was deferred at the meeting of the Central Area Planning Committee held on 16 October 2022, to provide an opportunity for the applicant to provide further information regarding the proposal. The original Officer report and associated Members' Update are attached as **APPENDIX 1** to this report. As verbally updated at the Committee, a consultation response from Essex County Council (ECC) Ecology had been received who had raised no objection (see below). The assessment and recommendation made remain unchanged except for additional conditions in response to ECC Ecology's advice, which are set out below, and to limit the use proposed to no more than four of the seven areas at any one time, in the interests of the character and appearance of the area.

## 1.2 **Additional Response from Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Ecology	No objection subject to securing biodiversity mitigation measures as included within the Ecological Letter Statement (Hybrid Ecology, July 2022) submitted as well as enhancement measures within a Biodiversity Enhancement	Noted – these conditions could be imposed if planning permission were to be granted and, subject to the imposition of these conditions, it is considered that a likely significant effect can be ruled out for the adjacent Blackwater

Name of Internal Consultee	Comment	Officer Response
	Strategy. They are satisfied that there is sufficient ecological information available for determination of this application and support Natural England's advice that the LPA records its decision that a likely significant effect can be ruled out for the adjacent Blackwater Estuary SPA and Ramsar either alone or in combination with other plans and projects.	Estuary Special Protection Area (SPA) and Ramsar either alone or in combination with other plans and projects. This will be formally recorded as part of a Habitats Regulation Assessment, if necessary.

1.3 Further information in support of the proposal which has been received since the previous Central Area Planning Committee from Maldon District Council, as applicant, as follows:

- The publication of a Management Plan for Promenade Park (the Park), as referred to in the Maldon and Heybridge Central Area Masterplan, is some way off, 2023 at the earliest.
- It has been explained that, prior to the Covid-19 Pandemic, the demand for concessions to operate within the Park was limited and accommodated within 'permitted development rights' for temporary uses i.e. planning permission was not required. When the Covid-19 restrictions were eased to allow people to congregate outdoors, the demand for complementary concessions, such as a bar, increased and temporary accommodating structures were allowed to operate from the Park on the understanding that they fell within the 'permitted development rights' which had been extended, temporarily, as part of the Government's response to the pandemic. This temporary extension to 'permitted development rights' has now come to an end but the demand for such concessions continues. Therefore, the Council is seeking planning permission to continue allowing similar concessions to operate from the Park beyond the 'permitted development rights' which exist (a maximum of 28 days per year). This is to provide the Council with the flexibility to accommodate a wide variety of concessions within a choice of locations within the Park to ensure that no opportunities to enhance the provision of facilities within the Park, for the 500,000+ visitors per annum, are missed.
- The sites which are the subject of the current application are all sites which have accommodated concessions in the past and it is not anticipated that all of the sites would be occupied at the same time (a maximum of three or four is anticipated) or that they would be occupied for the whole six month period applied for. The Council, as landowner, would control the number and type of concessions allowed within the Park and it would be in the Council's interests to ensure that the Park remains an attractive visitor destination. Operators wishing to operate from the Park, since the beginning of 2021, are required to complete an 'Expression of Interest' form before being considered.
- Promenade Park is one of the largest and renowned attractions in the Maldon District, with at least 500,000 visitors each year. The popularity of the park is in part due to its long history and nostalgic memories shared by many. However this has been enhanced by the suitability and range of features, activities and events for all ages. The Park is also a much loved amenity for

residents providing open space to enjoy that is affordable and accessible, should you wish to walk to the park and picnic, or alternatively choose to purchase from one of the businesses on site.

- The economic value of the park is that it attracts significant numbers of visitors from further afield, due to the variety of permanent features like the Splash Park and the more temporary concessions / events options, considered in this application.
- This application is part of a more strategically aligned approach for the year-round offering of concessions and events. This will allow for the Council to ensure the site maintains its popularity, can respond to emerging trends and ultimately stay competitive, so that businesses can benefit alongside visitors looking to enjoy their day out. This application is designed to enable the Council to appropriately manage the park, aligned with current corporate and commercial objectives, and provide capacity for future Management Plans.
- The visitor economy plays a huge part in the Maldon District, contributing £220 million value in 2019 prior to the pandemic (The Economic Impact of Tourism report for 2019). If we are to use the most recent figures from the Economic Impact for Tourism report for 2021, a day tripper will tend to spend approx. £37.67 in the local area during their trip. Therefore, if we consider car users visiting the Promenade Park as 'visitors', these alone would contribute over £7million pounds to local economy annually. The spend value includes everything from food and drink to entertainment during their trip, and secondary spend such as shopping.
- According to the latest 2022 High Street survey – 70.1% of High Street businesses saw benefit from Tourism including events taking part in the District. Rural business such as the local Vineyards and Breweries have benefited from exposure in the park and has enabled the offer to continue into the evening.
- The Prom. Park management plan will clearly define the approach for the park in the longer term, in particular to avoid often competing demands. It will look to safeguard vulnerabilities, such as protecting historic features of the park. This application should complement the approach to enable users to continue to enjoy what the park has to offer. The strategic approach should ensure that council priorities are delivered in a safe and sustainable manner, and will look to encourage visitors to stay longer by providing choice and variety.
- In our opinion the application is looking to formalise existing / previous established arrangements and to enable opportunities rather than jeopardise aspects that attract users of the park.

## **2. RECOMMENDATION**

**APPROVE** subject to following conditions:

- 1 The use hereby permitted shall cease and the land restored to its existing condition within three years of the date of this planning permission.  
**REASON** Due to the temporary nature of the structures proposed, in the interests of the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Location plan R8.MPP.LP01 rev.A

- Existing plan R8.MPP.EX01 rev.A
- Block Plan R8.MPP.BP01 rev.A

REASON To ensure that the development is carried out in accordance with the details as approved.

- 3 The development hereby permitted shall only be open to the public between the hours of 10:00 to 22:00 hours Monday -Sunday inclusive, including Public Holidays and not at any other times.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 4 The use hereby permitted shall only be carried-out during the months of April to October each year. Any temporary structures or paraphernalia brought on the sites in association with the use hereby permitted during these months shall be removed and not be on site or elsewhere within the Promenade Park between the months of November- March.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 5 No more than four of the seven locations for concessions proposed shall be used at any one time.

REASON To ensure the appropriate use of the site and in the interests of the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 6 The development hereby permitted shall not be open to the public until details of means of refuse storage and disposal have been submitted to and approved in writing by the local planning authority. The use shall be carried-out in accordance with the approved details.

REASON To protect the amenity of the area and to prevent pollution, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.

- 7 The development hereby permitted shall not be open to the public until details of the means of protection of the existing trees within and along the boundaries of the sites have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

- 8 The development hereby permitted shall not be open to the public until details of a Flood Warning and Evacuation Plan have been submitted to and approved in writing by the local planning authority. The use of the site shall be carried-out in accordance with the approved Plan, thereafter.

REASON As the site is located within a high-risk flood zone, in the interests of minimising the impacts of flood risk, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Letter Statement (Hybrid Ecology, July 2022) submitted and include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

REASON To conserve and enhance protected and Priority species in accordance with Policies S1, S8, D1, N1 and N2 of the approved Local Development Plan and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the

Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 10 The development hereby permitted shall not be open to the public until a Biodiversity Enhancement Strategy for protected and Priority species has been submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).

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

REASON To enhance protected and Priority species & habitats in accordance with Policies S1, S8, D1, N1 and N2 of the approved Local Development Plan and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE**  
**19 OCTOBER 2022**

<b>Application Number</b>	<b>22/00820/FUL</b>
<b>Location</b>	The Promenade Park, Park Drive, Maldon, Essex
<b>Proposal</b>	Use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Paul Calder – Real8 Group
<b>Target Decision Date</b>	11.10.2022
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council application relating to Council owned land Call-in by Councillor Swain for the following reason(s): so that its implications can be considered in detail by Committee. Policies N1 and N3 are both affected.

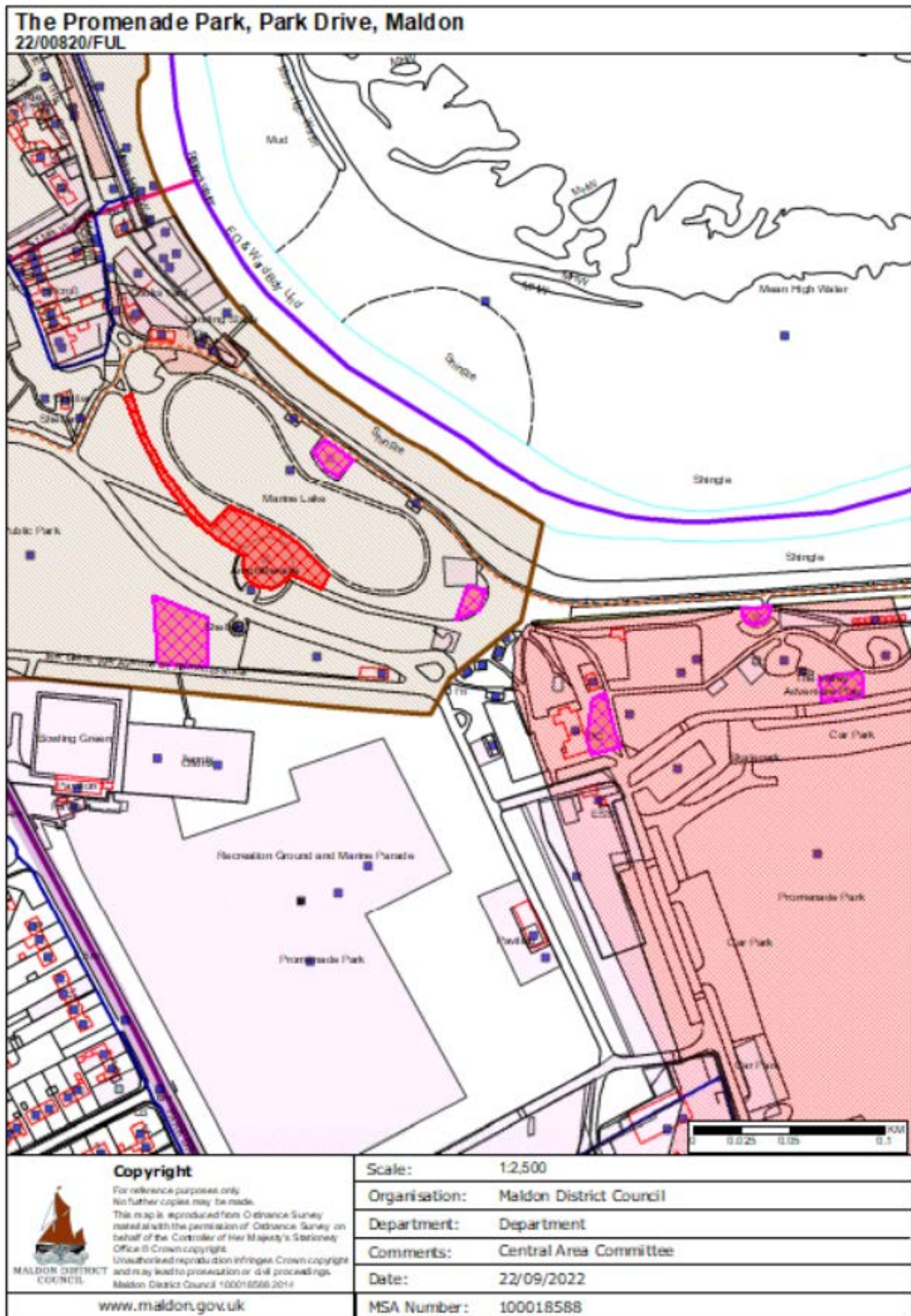
1. **RECOMMENDATION**

**APPROVE** subject to conditions as detailed in Section 8.

2. **SITE MAP**

Please see below.

# APPENDIX 1



### 3. **SUMMARY**

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

- 3.1.1 The application site lies within Promenade Park to the east of Park Drive, beyond the settlement boundary of Maldon. Promenade Park lies within the Leisure Quarter as identified in the Maldon and Heybridge Central Area Masterplan. Whilst Promenade Park is not a formally Registered Park and Garden as identified by Historic England, it has been identified within the Local Development Plan (LDP) as a local Historic Park and Garden and is therefore considered to be a non-designated local heritage asset.
- 3.1.2 The development proposed is described as the use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm.
- 3.1.3 The application site includes two areas within the Valley Adventure Play area; one between the public conveniences and the Splash Park; three adjacent to the eastern half of the marine lake (one includes the Amphitheatre) and one between the tennis courts and the Amphitheatre. These areas consist of a mixture of grass, seating and/or hardstanding and measure 116sq.m., 250sq.m., 269sq.m., 270sq.m., 365sq.m., 930sq.m. or 1270sq.m. The proposed block plan submitted includes one temporary stall for each of the seven areas identified measuring 3m x 5.9m.
- 3.1.4 The application is accompanied by supporting documents as follows:
- Planning Statement;
  - Preliminary Flood Risk Assessment (August 2022);
  - Letter from Hybrid Ecology Ltd (July 2022);
  - Seven photographs of examples of the type of structures proposed – trailers, gazebos, caravans and huts.

#### 3.2 **Conclusion**

- 3.2.1 It is considered that the principle of the development is acceptable and no objections are raised in relation to the impact of the proposal on the character or appearance of the area (which is a Conservation Area), the amenity of local residents, highway safety/access/parking, flood risk or nature conservation.

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

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

#### 4.1 **National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 81-85 Building a strong, competitive economy

- 92-103 Promoting healthy and safe communities
- 104-109 Promoting sustainable transport
- 119-123 Making effective use of land
- 124-125 Achieving appropriate densities
- 126-135 Achieving well-designed places
- 152-173 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- Policy S1 - Sustainable Development
- Policy S5 - Maldon and Heybridge Central Area
- Policy S8 - Settlement Boundaries and the Countryside
- Policy E1 – Employment
- Policy E2 – Retail Provision
- Policy E5 - Tourism
- Policy D1 - Design Quality and Built Environment
- Policy D2 - Climate Change & Environmental Impact of New Development
- Policy D3 – Conservation and Heritage Assets
- Policy D5 - Flood Risk and Coastal Management
- Policy N1 - Green Infrastructure Network
- Policy N2 - Natural Environment, Geodiversity and Biodiversity
- Policy N3 - Open Space, Sports and Leisure
- Policy T1 - Sustainable Transport
- Policy T2 – Accessibility
- Policy I1 – Infrastructure and Services

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon and Heybridge Central Area Masterplan (2017)

### **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, highways / access / parking, flood risk, and nature conservation.

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

- 5.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are

determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

- 5.2.2 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.2.3 Policy E2 aims to support the provision of retail, office, tourism, cultural and community uses.
- 5.2.4 As part of Policy E5, it is stated that the District needs to continue to develop tourism related assets such as accommodation, attractions and unique visitor experiences.
- 5.2.5 Policy S5 states that the Masterplan seeks to *'retain the Central Area (Maldon and Heybridge) as a focal point in the District for retail (on Maldon's High Street), commercial, industrial (at The Causeway Regeneration Area) community and tourism activities (in The Leisure quarter). It will be a thriving and vibrant destination that has strong connections with surrounding areas and is supported by its heritage assets, waterways and green spaces'*.
- 5.2.6 In support of the application, the following is stated as part of the Planning Statement submitted:
- There are 500,000 visitors to the Park per year and so the use of the Park supports tourism, local business and the local economy as well as the local community due to the public open space, sports clubs and amenity societies it provides.
  - The existing concessions are in permanent, small kiosks / boat shed style structures centered around the Splash Park and the ornamental lake.
  - The Park's current attractions include the Splash Park, Galleon Activity Park, Adventure Golf, seafood bar and petting zoo, in addition to a calendar of annual events.
  - The proposal would support local businesses, improve the visitor offer within the Park and support the local economy.
  - Visitor numbers continue to increase and are expected to increase further as a result of the creation of the England Coastal Path which will include the Park.
  - There is a need for additional concessions of a different type to those which exist – both food and drink and attractions e.g., Grape and Grain bar, Shepherd Hut reading room, 'Afternoon Tea' takeaway and ice cream vans. The current offers are described as selling mainly fast food, soft drinks, hot beverages and ice cream as well as sweets style outlets with some retail for sport/activity products. The Council has received interest from heritage food and drink concessions and local businesses wishing to have a presence in the Park which, if permitted, could also encourage footfall from the Park to the High Street. It is stated that there is a need to ensure the needs of visitors are catered for.
- 5.2.7 With respect to Policy E2, although the site is not located within a town centre area, or a primary or secondary area, there are surrounding kiosks being used for similar

uses, such as cafes and takeaways. It is not considered that the development is at a scale that would require a retail impact assessment.

- 5.2.8 Policy E5 aims to encourage the provision of tourist facilities and attractions that would provide facilities for residents and attract visitors to the District. The site is within the Promenade Park which provides a number of tourist-based facilities. As part of the application, it is stated that the uses of the kiosks would not replicate the goods currently available to purchase within the Park, but competition is not a material planning consideration. The Park is identified as a Destination Hub for restaurant and visitor centre facilities in the Masterplan; the proposals would positively contribute to this.

- 5.2.9 Based on the above, no objections to the principle of the development are raised.

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

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

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

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

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

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide Supplementary Planning Document (SPD) (2017) (MDDG).

- 5.3.5 The application site lies outside of any defined development boundary. According to Policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance. Tourism related developments are identified as ones which may be appropriate to rural areas (f), in accordance with Policies E4 and E5 although Policy E4 is not relevant in this case as it relates to agricultural and rural diversification. Policy E5 is referred to above.
- 5.3.6 The application site falls within the Maldon Conservation Area and the Park is a non-designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved Maldon District LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.3.7 The development would consist of a limited number of small temporary structures in the context of an extensive recreational area where numerous commercial outlets already exist. It is noted that the Specialist – Heritage and Conservation has raised no objections to the proposal. Therefore, it is not considered that the development would cause demonstratable harm to the character or appearance of the area. However, due to the temporary nature of the stalls proposed, it is not considered appropriate for planning permission to be granted on a permanent basis and it is also considered necessary to require the removal of the stalls from the Park during the months they would not be in use.
- 5.4 Impact on Residential Amenity**
- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.4.2 The development proposed would be located at a sufficient distance away from existing residential properties to avoid any adverse impact being caused with respect to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. However, it is considered appropriate to impose conditions, including restricting opening hours, to any grant of planning permission in the interests of the amenity of local residents.
- 5.4.3 It is noted that the Specialist – Environmental Health raises no objections advising that any potential problems relating to noise, food hygiene, health and safety etc. could be controlled by conditions on any licence or lease issued by the Council.



## 5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 Promenade Park is served by two existing car parks and the development proposed is not expected to materially increase the demand for off-street parking due to the nature and scale of the use proposed. In addition, there are local bus services which provide a means of transport for visitors to the Park in addition to visitors being able to arrive on foot or by bicycle. It is not considered that the proposal would adversely impact the free flow of pedestrians through the Park.
- 5.5.4 Therefore, it is considered that the existing car parks would provide sufficient parking in relation to the development proposed and no objections to the proposal are raised on the grounds of highway safety, access or car parking.

## 5.6 Flood Risk and Drainage

- 5.6.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 requires that new development is either located away from high risk flood areas or is safe and flood resilient when it is not possible to avoid such areas.
- 5.6.2 The Flood Risk Assessment (FRA) submitted includes the following conclusions:
- This 'Less vulnerable' development is compatible with Flood Zone 3A and the temporary nature of the proposed structures would ensure that flooding from all sources would be negligible to low.
  - There would be one stall above the flood level during each of the design flood events – the others would be located on ground levels below these flood levels meaning they would be flooded during an overtopping event of the nearby sea wall. However, it is stated that these stalls would be removed / moved in the event of a flood and, as they are temporary, they would be easily transportable and able to be wheeled to safety.
  - Flooding from artificial waterbodies – whilst at risk of flooding from reservoirs, the temporary nature of the stalls means that this source poses a negligible risk.
  - Surface water flooding – most of the stalls would be in areas of low surface water risk. Furthermore, given the nature of the proposal and the temporary nature of the stalls, the risk from this source is considered to be low.
  - Sewer flooding – there is a 525mm foul water sewer which runs through the Park. Blockages or surcharges in the site drainage or the public sewer network may result in flooding of the site or surrounding areas due to the backing up of internal pipe work but, given the temporary nature of the proposals, the risk is considered to be low.
  - Water Mains – flood risk is considered to be low given the temporary nature of the proposals.



- Flood History – three of the sites for the proposed stalls are within the area flooded in 1953 flooding event.
- 5.6.3 As part of the FRA, mitigation is proposed: all stall holders (or the managing organization of their tenancy) should subscribe to the Environment Agency's flood warning service and, if a Flood Warning is issued, those stalls and associated personnel should be moved to higher ground. It is not explicitly stated, but it appears to be recommended that a Flood Warning and Evacuation Plan is required by condition.
- 5.6.4 The Environment Agency (EA) has advised that, whilst the temporary stalls would be situated in flood zone 3, they do not pose a risk of increased flooding elsewhere. The EA notes that the applicant has proposed an evacuation plan and will sign up for flood warnings. Therefore, the EA feels that the risk of flooding has been considered but the suitability of this should be considered by the emergency planners.
- 5.6.5 Based on the contents of the FRA submitted and the advice of the EA, it is considered that the development would be safe for its lifetime and no objections are raised in relation to flood risk or drainage. However, due to the limited details contained within the FRA, it is considered that the imposition of a condition requiring details of a Flood Warning and Evacuation Plan would be necessary if planning permission were to be granted.

## 5.7 Nature Conservation

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.7.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).
- 5.7.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.6 The application is supported by a letter from Hybrid Ecology Ltd (July 2022) which advises that the *'site is adjacent to the Blackwater Estuary which is designated on an international level as a SPA and SAC and on a national level as a SSSI. The Blackwater Estuary holds international significance for breeding and over-wintering birds and its Priority Habitats, including mudflats'*, the *'project will draw more people to the site in the summer months and this could impact the breeding wildfowl that depend on the Estuary. However, the areas surveyed are not part of these*

*designated areas nor are they required for its conservation integrity or future management', the 'project will not create new access to the ecological conservation areas nor will it create any significant disturbance to the site's wildlife' and the 'site is already heavily used by the public for recreation and there are already mitigation measures in place such as extensive hardstanding and means of keeping people away from the water including signage. It is therefore unlikely that the increased number of visitors to the site brought about by the markets would negatively impact the reasons for which the Blackwater Estuary is designated. No constraints in relation to nesting birds or legally protected or other species are identified.*

- 5.7.7 As part of the letter, it is noted that it is recommended that the several mature trees around the areas identified are protected (e.g. with Heras fencing) to reduce trampling around the Root Protection Areas and direct damage during market events. This issue could be covered by condition if planning permission were to be granted.
- 5.7.8 Whilst Essex County Council (ECC) Ecology has not commented on the proposal, Natural England has raised no objections advising that, based on the plans submitted, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 5.7.9 Based on the above, there is no reason to conclude that the development would have an adverse impact on the ecology of the site or its surroundings.

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

- **21/00314/FUL** - Converting & renovating an existing public seating shelter into a food serving kiosk – Approved 04.06.2021.
- **20/01328/FUL** - Timber clad kiosk with two opening shutters, serving light refreshments. Approved 04.05.2021.
- **19/00201/FUL** – Mobile catering unit within adventure golf site - permission for 10 years. Approved 31.05.2019 for temporary period for 3 years.
- **19/00092/FUL** - Proposed gemstone mining attraction. Approved 31.05.2019.
- **18/00480/FUL** - Use of land for the temporary siting of a mobile food and drink kiosk. Refused 09.07.2018.
- **17/00067/FUL** - Place a 20 foot x 10 foot converted metal container in the promenade park for use as a booking in suite, office and storage. Fence off the surrounding area for change of use for outdoor activity centre. Refused 18.07.2017.
- **16/00629/FUL** - Temporary planning permission for two catering units Approved 28.07.2016.
- **16/00064/FUL** - Application for permission to erect a single storey 'Portacabin' style building for permanent use. Approved 21.03.2016.
- **14/00819/FUL** - 18 hole adventure golf course with additional 19th free game hole. To include pirate themed props and structures with cafeteria and clad storage containers. Approved 31.10.2014.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as it is considered that several of the proposed concessions are not in keeping and are out of character with the Town's historic Victorian Promenade Park. No detailed specifications of the proposed units have been provided or a commitment to support local businesses and, therefore, the proposal would be detrimental to the existing, established Promenade Park businesses. The application is, therefore, contrary to policies D1, D3 and E1 of the Maldon District Local Development Plan.	Noted – refer to sections 5.2 and 5.3 of report.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted – refer to section 5.7 of report.
Environment Agency	Whilst the temporary stalls would be situated in flood zone 3, they do not pose a risk of increased flooding elsewhere. The applicant has proposed an evacuation plan and will sign up for flood warnings and therefore they feel that the risk of flooding has been considered, the suitability of this should be considered by the emergency planners.	Noted – refer to section 5.6 of report.

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Strategy Team	No response.	

Name of Internal Consultee	Comment	Officer Response
Specialist – Environmental Health	No objections any potential problems relating to noise, food hygiene, health and safety etc. could be controlled by conditions on any licence or lease issued by the Council.	Noted – refer to section 5.4 of report.
ECC Ecology	No response.	
Specialist - Heritage and Conservation	No objection.	Noted – refer to section 5.3 of report.

#### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

### 8. PROPOSED CONDITIONS

1. The use hereby permitted shall cease and the land restored to its existing condition within three years of the date of this planning permission.  
REASON Due to the temporary nature of the structures proposed, in the interests of the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - Location plan R8.MPP.LP01 rev.A
  - Existing plan R8.MPP.EX01 rev.A
  - Block Plan R8.MPP.BP01 rev.AREASON To ensure that the development is carried out in accordance with the details as approved.
3. The development hereby permitted shall only be open to the public between the hours of 10:00 to 22:00 hours Monday -Sunday inclusive, including Public Holidays and not at any other times.  
REASON To ensure the appropriate use of the site in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
4. The use hereby permitted shall only be carried-out during the months of April to October each year. Any temporary structures or paraphernalia brought on the sites in association with the use hereby permitted during these months shall be removed and not be on site or elsewhere within the Promenade Park between the months of November- March.  
REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.
5. The development hereby permitted shall not be open to the public until details of means of refuse storage and disposal have been submitted to and approved in writing by the local planning authority. The use shall be carried-out in accordance with the approved details.  
REASON To protect the amenity of the area and to prevent pollution, in accordance with Policies D1 and D2 of the Maldon District Local Development Plan and the NPPF.
6. The development hereby permitted shall not be open to the public until details of the means of protection of the existing trees within and along the

boundaries of the sites have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON To ensure the appropriate use of the site in accordance with Policies D1 and D3 of the Maldon District Local Development Plan and the NPPF.

7. The development hereby permitted shall not be open to the public until details of a Flood Warning and Evacuation Plan have been submitted to and approved in writing by the local planning authority. The use of the site shall be carried-out in accordance with the approved Plan, thereafter.

REASON As the site is located within a high-risk flood zone, in the interests of minimising the impacts of flood risk, in accordance with Policy D5 of the approved Maldon District Local Development Plan and the NPPF.

CIRCULATED PRIOR  
TO THE MEETING

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

to  
**CENTRAL AREA PLANNING COMMITTEE**  
**19 OCTOBER 2022**

**MEMBERS' UPDATE**

**AGENDA ITEM NO. 7**

<b>Application Number</b>	<b>22/00820/FUL</b>
<b>Location</b>	The Promenade Park Park Drive Maldon Essex
<b>Proposal</b>	Use of a defined area of Promenade Park for concessions in temporary structures (such as gazebos, tents, shepherd huts or small motorised vehicles) to support seasonal attractions between April and October inclusive between the hours of 10am and 10pm
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	Mr Paul Calder – Real8 Group
<b>Target Decision Date</b>	11.10.2022
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council application relating to Council owned land Call-in by Councillor Swain for the following reason(s): so that its implications can be considered in detail by Committee. Policies N1 and N3 are both affected.

APPENDIX 1

**7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

**7.3 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Strategy Team	Support the proposal as it complements the existing offers in the park and gives choice and variety for all ages of customer. The concessions offer supports local businesses that are noted as Maldon Bookshop and food and drink businesses on the High Street and in and around	Noted.

Name of Internal Consultee	Comment	Officer Response
	<p>the District. This supports Policy E5 Tourism and Strategic Policy S5 Maldon and Heybridge Central Area Masterplan SPD projects in the Leisure Quarter to improve visitor attractions and the offer in the park during the popular summer months between April to October.</p> <p>The Strategy Team also support the application to realise Corporate Outcomes in the Place, Community and Prosperity Strategies to deliver:</p> <ul style="list-style-type: none"> <li>the projects within the Maldon &amp; Heybridge Central Area Masterplan SPD for improved visitor offer and attractions in Promenade Park, within the defined 'Leisure Quarter'</li> <li>increased visitor and community spend in one of the Council's Flagship Open Spaces and,</li> <li>promoting tourism in the District as a major factor of the local economy and in support of local businesses</li> </ul> <p>The recent LUF (Levelling Up Fund) at Hythe Quay/Promenade Park and part of the UKSPF Investment Plan have at their heart, support for projects and local businesses that contribute to the District's tourism offer, community attractions and its High Streets. A key Policy requirement of Policy S5, LDP is to encourage High Street shoppers to the Leisure Quarter and visitors to Promenade Park to walk up to the High</p>	

Name of Internal Consultee	Comment	Officer Response
	Street via Hythe Quay. This proposal will help to cross fertilize the retail offer on the High Street with the recreational and tourism offer within one of the District's Flagship Open Spaces and most visited attraction at Promenade Park.	





**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
16 NOVEMBER 2022**

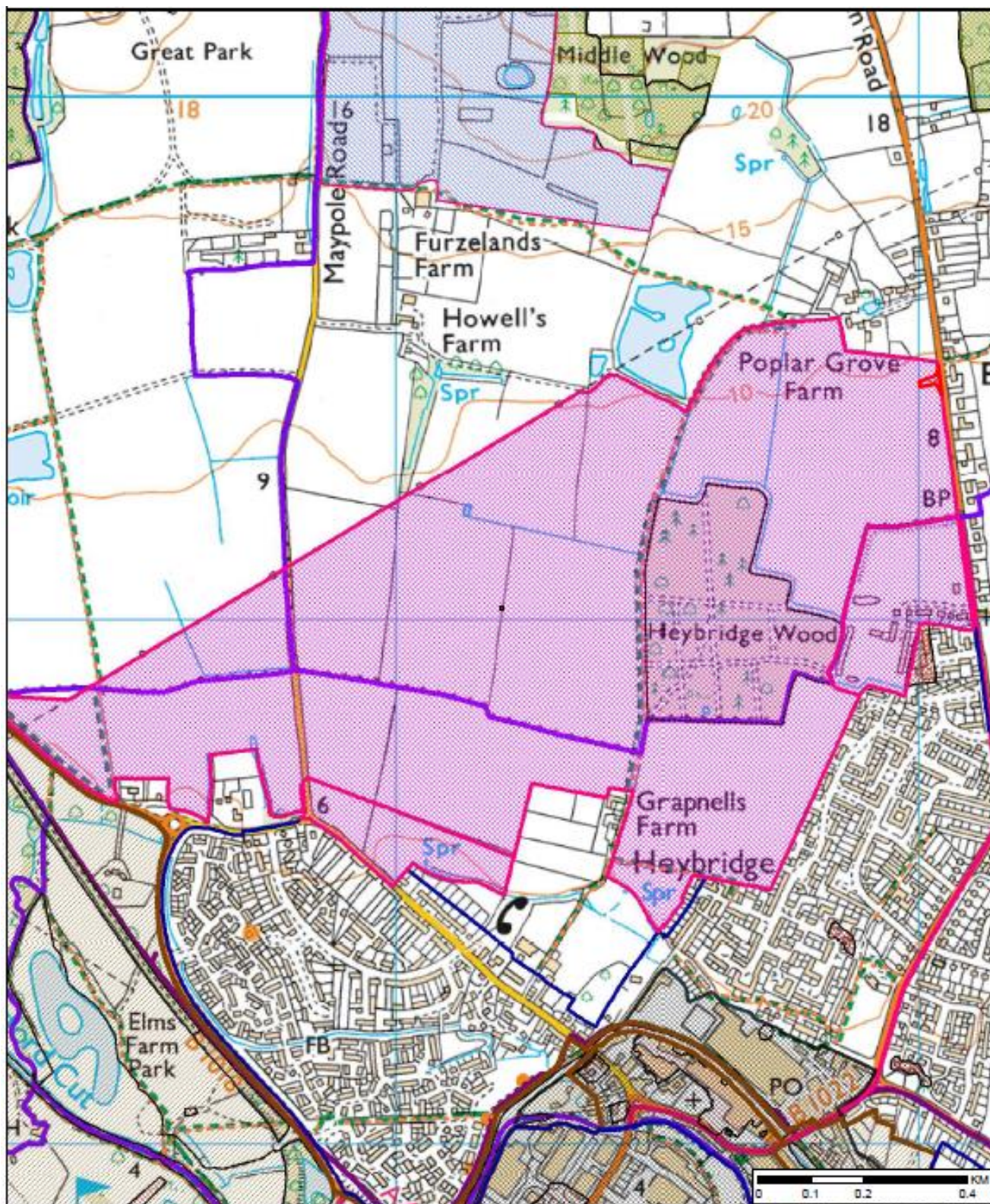
<b>Application Number</b>	<b>22/00983/ADV</b>
<b>Location</b>	Langford Road, Heybridge, Essex
<b>Proposal</b>	Advertisement consent for freestanding pole mounted non-illuminated sign for a temporary period.
<b>Applicant</b>	Mr David Moseley - Countryside Properties (UK) Ltd
<b>Agent</b>	N/A
<b>Target Decision Date</b>	07.11.2022
<b>Case Officer</b>	Anna Tastsoglou
<b>Parish</b>	<b>HEYBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor M R Edwards has called in the application on the basis of Policy D6


**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	23/11/2021
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		



### **3. SUMMARY**

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

##### Site description

- 3.1.1 The application relates to the largest of the three sites allocated for development in the North Heybridge Garden Suburb referred to in Policy S2 as S2(d) North of Heybridge. The site is located to the north of the Heybridge settlement boundary, west of Broad Street Green Road, east of Langford Road. A hybrid planning consent was granted on appeal on 25 October 2019 under reference 15/00419/OUT for the following development.

*“Part outline/part detailed (hybrid) application for mixed use development including:*

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)*
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)*
- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)*
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)*
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)*
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);*
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and*
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).”*

- 3.1.2 Applications for reserved matters have thereafter been approved on the site for phases 1 and 2. Construction of the approved infrastructure has commenced on site.

- 3.1.3 The current application relates to one of the three previously approved signs to advertise the development in the North Heybridge Garden Suburb. This sign is located to the north of Langford Road, northwest of the Cottages.

##### Description of proposal

- 3.1.4 The proposal is retrospective in nature, and it relates to the display of a v shaped freestanding pole mounted non-illuminated sign located on 32 metres away from the carriageway in Langford Road in association with the development approved on site (reference number: 15/00419/OUT). The details of the proposed sign are as follows:

- Two non-illuminated v shaped freestanding pole mounted signs, measuring approximately 6m wide, 5m high and 0.2m deep, containing the words “Westcombe Park, Coming Soon, A new community for Maldon, New Homes and Community Facilities” and details of the website that further details can be found as well as the developer’s logo (Countryside). The sign is finished in white, blue and orange background with white, blue and orange lettering.

- 3.1.5 It is noted that the current application does not involve the erection of additional signs. The reason for the submission of the application for advertisement consent relates to the positioning of the sign in a different location, further northwest to what was previously approved.

### **3.2 Conclusion**

- 3.2.1 Having taken all material planning considerations into account, it has been found that the currently unauthorised position of the sign to what was previously approved, does not have a detrimental impact on the visual amenity of the surrounding area and, in terms of public safety, would improve sight lines of vehicles using the new round about at Langford Road. Therefore, subject to appropriate conditions, it is considered acceptable and in accordance with the requirements of the National Planning Policy Framework (NPPF) and policies of the Local Development Plan (LDP).

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)**

### **4.2 National Planning Policy Framework 2021 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 126 – 136 Achieving well-designed places

### **4.3 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D6 Advertisements
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility

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

- Maldon District Design Guide Supplementary Planning Document (SPD) (MDDG)
- Planning Practice Guidance (PPG).

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF

and Planning Practice Guidance (PPG) also provide guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment, and on public safety.

5.1.2 Policy D6 of the approved LDP provides the basis for the assessment of application for advertisement consent. Policy D6 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1) *The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.*

5.1.3 Paragraph 136 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that control of advertisements should be efficient, effective and simple in operation.

5.1.4 In general, the principle of displaying signs in relation to the marketing of an approved development is considered acceptable. Furthermore, it is noted that the sign was previously assessed and found acceptable. The sole difference from the previously approved application relates to the positioning and not the sign itself, which in design, size and height above the ground, is the same as the approved sign. Other principal material planning considerations in relation to visual amenity and public safety are discussed below.

## **5.2 Visual amenity**

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.

5.2.2 The 2007 Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

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

*“The quality and character of places can suffer when advertisements are poorly sited and designed.”*

5.2.4 In assessing the impacts of visual amenity, the Local Planning Authority must assess the visual and aural amenity in the immediate locality of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement. In assessing amenity, the Local Planning Authority must consider the

local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

5.2.5 Policy D6, referred to above, sets out criteria for the consideration of advertisements in relation to amenity, which are as follows:

- 1) *The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2) *Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3) *Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4) *Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.*

The freestanding pole mounted sign is non-illuminated and is of a typical design displayed to housing or mixed-use developments prior to their erection to advertise the development to be built. Its size is of a similar scale and design to those displayed at the South Maldon Garden Suburb and it is not considered unreasonable to be comparably larger from traditional signs marketing businesses. Furthermore, although the sign is currently located within an agricultural field, planning permission has been granted for development to which it relates, including a significant scale of associated infrastructure. Therefore, it is not considered that the positioning of this sign has any more impact than the consented sign; in fact, its location further satisfies the visual amenity and public safety aspects of the advertisement regulation criteria than the consented sign and furthermore, it is a temporary structure which is time bound by the legislation for the length of time it can remain in place.

5.2.6 As noted above, the current application has been submitted to regularise the position of the sign. The same sign was previously approved along Langford Road under the terms of application 21/00945/ADV. The sign was thereafter installed 39 metres north-west of the consented location. The sign is visible from Langford Road as it is located currently within an open field. However, the sign would be positioned further away from the location of the previously approved sign and a minimum of 85 metres away from the nearest residential properties. Therefore, it would result in a similar if not a lesser visual impact from public vantage points in comparison to the consented signage. Therefore, taking into consideration the nature of the proposed sign, its design, appearance, and position, it is not considered that it would result in a detrimental impact on the visual amenity of the area.

### **5.3 Impact on Public Safety**

5.3.1 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety.

5.3.2 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is

likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.

- 5.3.3 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.4 The proposed freestanding pole mounted sign is visible from the public highway; however, due to its design, non-illuminated nature and set back from the highway, it is not considered that it results in a detrimental impact on the highway or pedestrian safety. Although no response has yet been received from the Highways Authority in relation to the current application, no objection was previously raised by them for the three consented signs, which were located nearer to the highway subject to the imposition of a condition securing the ease of passage over public footpath no. 30 (Heybridge) and that it is maintained free and unobstructed at all times. Therefore, given that the size and type of sign has not changed, together with the sign being located further away from the highway, the development would accord with the requirements of policy D6 of the LDP.

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

6.1 The relevant planning history is set out in the table below:

- **15/00419/OUT** – Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
  - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
  - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
  - (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
  - (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
  - (vii) Construction of initial gas and electricity sub-stations (Detailed); and
  - (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).Refused - 08.03.2019 – Allowed on Appeal – 25.10.2019.
- **19/00741/OUT** - Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
  - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
  - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)

- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).

Approved - 14.10.2019.

- **20/05035/DET** - Compliance with conditions notification of approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 12 - Strategic management and maintenance plan. Cleared - 11.05.2020.
- **20/05039/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic Phasing Plan – Cleared - 15.05.2020.
- **21/00321/NMA** - Application for non-material amendment following grant of Planning Permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Amendment to Condition 31 – Approved - 29.04.2021.
- **21/00538/NMA** - Application for non-material amendment following grant of planning permission 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Amendment sought: Condition 9 – Approved - 09.06.2021.
- **21/05031/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development Condition 13 - Ecological conservation management plan. Condition 7 - Construction & environmental management plan. Cleared - 01.04.2021.
- **21/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 – Archaeology – Cleared - 18.05.2021.
- **21/05107/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 14 - Contaminated land. – Cleared - 18.08.2021.
- **21/00384/RES** - Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;
  - (a) landscaping for the approved Relief Road,
  - (b) phase 1 entrance green,
  - (c) phase 1 spine road,
  - (d) green corridors, strategic open space and levels for Phase 1 (including Local Equipped Area of Play)
  - (e) acoustic bund for phase 1

Together with details of a network of pedestrian and cycle routes in relation to Phase 1 pursuant to condition 28 of approved planning application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:

- (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
- (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)



- (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
- (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
- (v) A relief road between Broad Street Green Road and Langford Road (Detailed element)
- (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline);
- (vii) Construction of initial gas and electricity sub-stations (Detailed); and
- (viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).

Approved - 08.10.2021.

- **21/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – Cleared – 02.09.2021.
- **21/05121/DET** - Compliance with conditions notification 15/00419/OUT allowed on appeal APP/X1545/W/19/3230267 (Part outline/part detailed (hybrid) application for mixed use development - Condition 10 - Drainage management – Cleared – 05.11.2021.
- **21/05125/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details – pending consideration.
- **21/05129/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 18 - Tree protection – Cleared – 18.11.2021.
- **21/05134/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction management plan. – Cleared - 22.10.2021.
- **21/05135/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 15 - Broadband. – Cleared - 11.01.2022.
- **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – Cleared - 09.11.2021.
- **21/05162/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - Ecological Conservation Management Plan ECMP in relation to Phase 2 of the development only. – Cleared - 29.11.2021.
- **21/05185/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications – Cleared - 13.01.2022.
- **21/05187/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 11 - Strategic phasing plan – Cleared - 14.01.2022.
- **21/00961/RES** – Reserved Matters application for the approval of access, appearance, landscaping, layout, and scale covering the details of strategic landscaping and infrastructure for Phase 2 and part of Phase 4 of the approved planning application (15/00419/OUT) comprising:

- (i) The landscaping surrounding the eastern section of the Relief Road, and Broad Street Green Roundabout;
- (ii) The internal spine road, from Broad Street Green Road to the north-eastern corner of Heybridge Wood (including bus stops);
- (iii) The green corridors that surround Parcels 10, 11 and 12;
- (iv) The second phase of the acoustic barrier;
- (v) The play area (LEAP) that lies south of Parcel 12;
- (vi) The internal road and associated attenuation basins to the north of Parcel 8 that serves the Local Centre;
- (vii) The proposed pumping station;
- (viii) Pedestrian and cycle links falling within this phase of the development.

Together with details pursuant to Condition 18 (tree protection), Condition 19 (acoustic barrier), Condition 27 (bus stops) and Condition 28 (footpaths and cycle routes) of the approved planning application 15/00419/OUT. Approved

- **21/00752/RES** – Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 160 residential units with associated access, parking, servicing and landscaping (Phase 1 only) on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including:
  - (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline)
  - (ii) Residential Care for up to 120 beds (Use Class C2) (Outline)
  - (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline)
  - (iv) Primary school and early years childcare facility (Use Class D1c) (Outline)
  - (iv) A relief road between Broad Street Green Road and Langford Road (Detailed element)
  - (v) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline)
  - (vi) Construction of initial gas and electricity sub-stations (Detailed); and
  - (vii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline).)
 Pending consideration.
- **22/05005/DET** – Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction Environmental Management Plan (Part (g) in relation to Phase 2) – Cleared – 29.06.2022.
- **22/05109/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Details of position of excavation trenches and means of installation for all services in relation to retained trees – Pending consideration.
- **22/05014/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 17 - Utilities and arboricultural implications – cleared – 29.06.2022

- **22/05021/DET**- Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme – Cleared – 01.08.2022.
- **22/05054/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 31 - Landscaping scheme – Pending consideration.
- **22/05058/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Surface water drainage scheme (Revised 06/05/22) – Cleared – 14.10.2022.
- **22/05061/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeology (Addendum to the approved Written Scheme of Investigation) – Pending consideration.
- **22/05075/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage details (Phases 3-5) – Pending consideration.
- **22/05076/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 16 - Foul drainage details (Phases 1,2,3 and 4 (Drainage phases 1 and 2)) – Pending consideration.
- **22/05081/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 13 - in respect of Phases 3-5 of the approved phasing plan (and which therefore completes the discharge of Condition 13, following the previous approvals for Phases 1 and 2) - Ecological Conservation Management Plan dated 08/08/22, Heybridge North Badger Technical Survey Note (updated 05/08/22), Heybridge North Bat Technical Survey Note (updated 05/08/22) – Pending consideration.
- **22/05082/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 6 - Hard and soft landscaping for communal gardens. Condition 7 - Provision and retention of soft landscaping – Pending consideration.
- **22/05095/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 9 - Drainage Details – Pending consideration.
- **22/05101/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 4 – Materials – Pending consideration.
- **22/05108/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - condition 7 - Construction Method Statement – Pending consideration.
- **22/05110/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 19 - Acoustic barrier details– Pending consideration.
- **22/05113/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 7 - Construction and Environmental Management Plan – Pending consideration.
- **22/00523/RESM** Reserved matters application for the approval of access, appearance, landscaping, layout & scale for the construction of 262 residential units with associated access, parking, servicing and landscaping

(Phase 2 only) on approved application 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development including: (i) Residential development (Use Class C3) for up to 1138 dwellings including 30% as affordable housing (Outline) (ii) Residential Care for up to 120 beds (Use Class C2) (Outline) (iii) "Neighbourhood" uses which may include retail, commercial, and community uses (Use Classes A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1a and/or D1b) (Outline) (iv) Primary school and early years childcare facility (Use Class D1c) (Outline) (v) A relief road between Broad Street Green Road and Langford Road (Detailed element) (vi) Formal and informal open space (including any associated sports pavilion/clubhouse) (Use Class D2e) (Outline); (vii) Construction of initial gas and electricity sub-stations (Detailed); and (Viii) All associated amenity space, landscaping, parking, servicing, utilities (other than as listed in item (vii) above), footpath and cycle links, on-site drainage, and infrastructure works (Outline) – Pending consideration.

- **21/00945/ADV** - Advertisement consent for 3No. freestanding pole mounted non-illuminated signs located on the site's frontage to Broad Street Green Road, Maypole Road and Langford Road in connection with the development of the site. Approved 17.11.2021.

## 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>
Heybridge Parish Council	No comment	Noted
Great Totham Parish Council	No comment	Noted

### 7.2 **Representations received from Interested Parties**

#### 7.2.1 One letter of objection has been received.

<b>Objection Comment</b>	<b>Officer Response</b>
Unacceptable impact on visual amenity.	Addressed in section 5.2 of the report.
The sign is located close to listed buildings	The nearest listed building to the sign is approximately 150 metres away from the sign. Further distance is maintained between the sign and other listed buildings.
The sign is not located near the land that is going to be developed for housing.	Although the sign is not located near the land to be developed for housing, it is located near significant consented infrastructure, namely the Langford Road roundabout. Further matters in relation to the visual impact of the development are addressed in section 5.2 of the report.

## 8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2085/010 Rev Q; WP-Loc1; Site Plan - Langford Road; Site Plan - Maypole Road; Site Plan - Broad Street Green Road; Billboards - Colours, materials & overall dimensions; Billboards - Individual sizes of text, logos and features; Billboards - Framework structure and foundation details and the details included in the accompanied application form.

**REASON** To ensure that the development is carried out in accordance with the details as approved.

2. The express consent hereby granted shall be for a period of 5 years beginning from the date of permission 21/00945/ADV.
3. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
4. No advertisement shall be sited or displayed so as to:
  - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military); or
  - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**REASON 2 – 7** These conditions are imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

8. The public's rights and ease of passage over public footpath no 30 (Heybridge) 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 National Planning Policy Framework and policies N3 and D4 of the Maldon District Local Development Plan.

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