



**MINUTES of
DISTRICT PLANNING COMMITTEE
30 SEPTEMBER 2021**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor C Mayes
Councillors	Miss A M Beale, B S Beale MBE, R G Boyce MBE, Mrs P A Channer, R P F Dewick, M R Edwards, Mrs J L Fleming, CC, A S Fluker, B B Heubner, A L Hull, J V Keyes, K M H Lagan, C P Morley, C Morris, N G F Shaughnessy, R H Siddall, W Stamp, CC, E L Stephens, Mrs J C Stilts, C Swain, Mrs M E Thompson and Miss S White

306. CHAIRMAN'S NOTICES

The Chairman welcomed everyone back to the first meeting of District Planning held in the Council Chamber since the outbreak of the Pandemic. He then took the Committee through some general housekeeping arrangements for the meeting.

307. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors V J Bell, M F L Durham, M W Helm, K W Jarvis, C P Morley, S P Nunn and N Skeens.

308. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the District Planning Committee held on 12 August 2021 be approved and confirmed.

309. DISCLOSURE OF INTEREST

Councillor Mrs J L Fleming declared a non-pecuniary interest as a Member of Essex County Council, a consultee on all planning applications.

Councillor W Stamp declared a non-pecuniary interest as a Member of Essex County Council a consultee on all planning applications.

Councillor M Edwards declared a non-pecuniary interest as a ward member for Heybridge Parish Council.

Councillor Morris declared a non-pecuniary interest as his daughter frequented McDonalds.

Councillor Fluker declared a non-pec interest as he frequented McDonalds.

Councillor B Boyce declared a non-pecuniary interest as he officially opened Mc Donald's Restaurant.

310. 21/00384/RES - LAND AT BROAD STREET GREEN ROAD AND LANGFORD ROAD AND MAYPOLE ROAD, GREAT TOTHAM, HEYBRIDGE AND LANGFORD AND ULTING

Application Number	21/00384/RES
Location	Land At Broad Street Green Road And Langford Road And Maypole Road, Great Totham, Heybridge and Langford and Ulting
Proposal	<p>Reserved matters application for the approval of access, appearance, landscaping, layout and scale covering details of strategic landscaping and infrastructure for Phase 1 comprising;</p> <ul style="list-style-type: none"> (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 <p>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:</p> <ul style="list-style-type: none"> (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).
Applicant	Mr D Moseley - Countryside Properties (UK) Ltd
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	04.08.2021 – EOT agreed until 8 October 2021
Case Officer	Julia Sargeant
Parish	Great Totham, Heybridge and Langford and Ulting
Reason for Referral to the Committee / Council	Strategic site within the strategic submitted Local Development Plan

Following the Officer's presentation, an Objector, Mr David Sismey and the Agent, Mr Kevin Coleman addressed the Committee. The Chairman then opened the debate and invited comments on the report.

A long discussion ensued where Members raised concerns about flooding/drainage scheme, biodiversity, compliance with conditions on the previous outline application, noise pollution once built both within and outside of the development, effectiveness of the earth bund, planting of trees and hedgerows, provision of bridleways, commencement of development, relief road strategy, health and safety in respect of the attenuation basins/ponds, archaeological investigations, badger sets and parking/access for vehicles servicing the development.

In response the Lead Specialist: Development Management provided the following information:-

- That this was a reserved matters submission dealing with the strategic landscaping only, for phase 1 of the development.
- That the details under condition 9 for phase 1 drainage (i.e. the drainage that goes with this Reserved Matters area), have already been approved under application 21/05113/DET. In addition Essex County Council SuDs, Lead Local Flood Authority (LLFA) had reviewed the Strategic Infrastructure Plan and the associated documents which accompanied the application and had no objections to granting planning permission 21/000384/RES in relation to this Phase 1 development, which was subject to the same conditions applied in the outline application 15/0049/OUT.
- That Members were assured that this reserved matters application complied with the conditions on the outline application. The conditions on the outline application had been through a comprehensive comparison analysis and cross-referenced in this reserved matters application. Clarifications, amendments and assurances had been sought from all parties involved in the suite of reports.
- That as set out in the report, in respect of biodiversity, a Habitats Regulations Assessment had been undertaken in 2019 and Natural England had no objections to the application.
- That the proposed earth bund was supported by an acoustic assessment which determined that it was appropriate for that area and the expected volume of traffic over the period of the development. In addition the accompanying residential scheme would contain progressive materials to marry with the acoustic development of the scheme as a whole. This would come forward at a later stage as another part of the overall package of measures. In addition the Council's Tree Consultant had considered the number of trees proposed acceptable.
- That there would be comprehensive replacement of trees and hedgerows as part of the overall scheme to the northern and southern part of the western section and to the east of Maypole Road on the northern side.
- That there was no requirement for bridlepaths as part of this application. The application in front of the committee related to phase 1 only, not the adjoining phases. A number of the parcels of land had already been approved and footpath parameters set, therefore the inclusion of bridlepaths, which were large, would substantially alter the application. These matters should have been considered prior to this phase.

- That no works that would constitute commencement of development had taken place. Works to facilitate investigations to discharge /inform conditions, namely archaeological work which was implicit in the outline application had been undertaken. The necessary tree removal, to facilitate future phases of development had been agreed in 2015 as part of the Arboricultural Assessment under condition 18.
- That the relief road strategy and location was already agreed as part of a previous application and contained details of hedgerow alignment to mitigate noise pollution.
- That a risk assessment regarding the attenuation basins would have been considered under SuDs, not part of this application. Furthermore, as noted earlier, the LLFA had no objections to this application. These basins absorb /soak up water, release the water naturally to avoid cascading. The hard surfacing will be permeable material with culverts to divert the water under the roads.
- That in terms of archaeological investigations these were scheme wide and all investigations would have to take place before continuing with the development.
- That the issue of the badger set was covered in the report under condition 3. Whilst the obtaining of a license itself was not a planning matter, the set enclosure was, which vindicated the need for a license.
- That 5.7.2 of the report confirmed that vehicle tracking is sufficient to allow refuse vehicles access and egress with no objections from Essex County Council Highways Authority. The use of yellow lines was not relevant within the context of this application.

At this point Councillor Siddall reiterated the Officer's earlier comments that this application was phase 1 in relation to the entrance and the green landscaping which will be submitted in further phases. He reminded Members that at the moment there was very little green infrastructure in Maypole Road, nothing that stopped noise or enhanced the environment. What was being proposed by the developer would be a benefit to the area, adding more green infrastructure than currently existed, with the hedgerows being the natural noise barrier in a rural area. The application was the landscaping element alone, which the Committee needed to decide was fit for purpose.

The Chairman then moved the Officer's recommendation to approve the application and this was seconded by Councillor Swain. A recorded vote was requested, duly seconded and the results were as follows:-

For the application

Councillors B S Beale, R G Boyce, Mrs P A Channer, R P F Dewick, M R Edwards, Mrs J L Fleming, A S Fluker, M S Heard, J V Keyes, C Mayes, R H Siddall, W Stamp, E L Stephens, C Swain and Mrs M E Thompson.

Against the application

Councillors A M Beale, B B Heubner, A L Hull, K M H Lagan, C Morris, N G F Shaughnessy, Mrs J C Stilts and Miss S White.

Abstentions

None

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

2841-5-2 DR-0014 S4-P2

F00134-RJL-NA-NA-DR-C-1500 P2 – Refuse Tracking sheet 1 of 3

F00134-RJL-NA-NA-DR-C-1501 P2- Refuse Tracking sheet 2 of 3

F00134-RJL-NA-NA-DR-C-1502 P2 – Refuse tracking sheet 3 of 3

F00134-RJL-NA-NA-DR-C-2210 P2 – Road 1 Longitudinal section

SK-0013-P3 – Road spot levels

F00134-RJL-NA-NA-DR-C-1200 P6 – Basins 8 and 8A sections

F00134-RJL-NA-NA-DR-C-1201 P9 – Pond 1 cross sections

F00134-RJL-NA-NA-DR-C-1202 P7 – Basins 6 and 12 sections

F00134-RJL-NA-NA-DR-C-2231 P5 – Basins 1 – 4 sections

F00134-RJL-NA-NA-DR-C-2230 P6 – Section through ditch widening

F00134-RJL-NA-NA-DR-C-1400 P8 – Articulated vehicle tracking

F00134-RJL-NA-NA-DR-C-1450 P4 – Bus tracking

F00134-RJL-NA-NA-DR-C-2010 P5 – General arrangement layout

F00134-RJL-NA-NA-DR-C-2160 P6 – Contours plan

F00134-RJL-NA-NA-DR-C-2020 P6 – Phase 1 spot levels sheet 1 of 3

F00134-RJL-NA-NA-DR-C-2021 P6 - Phase 1 spot levels sheet 2 of 3

F00134-RJL-NA-NA-DR-C-2022 P6 - Phase 1 spot levels sheet 3 of 3

F00134-RJL-NA-NA-DR-C-2110 P6 – Surfacing and kerbing sheet 1 of 3

F00134-RJL-NA-NA-DR-C-2111 P6 - Surfacing and kerbing sheet 2 of 3

F00134-RJL-NA-NA-DR-C-2112 P6 - Surfacing and kerbing sheet 3 of 3

F00134-RJL-NA-NA-DR-C-1203 P3 – Noise bund sections

2841-5-2-DR-0009-S4-P11 – Relief road landscape proposals

2841-5-2-DR-0001-S4-P15 – Landscape Proposals sheet 1 of 2

2841-5-2-DR-0003-S4-P10 - Landscape Proposals sheet 2 of 2

2841-5-2-DR-0004-S4-P8 – Bund illustrative section

F00134-DAV-01-NA-DR-0005-S4 P6 – LEAP

F00134-DAV-01-NA-DR-0009-S4 P10 – Relief Road landscape proposals

Strategic Infrastructure RM 1 Landscape Statement

Noise Mitigation Report – Mayer Brown March 2021

Arboricultural Impact Assessment Report – Sharon Hosegood Associates – SHA 1012 February 2021

Construction Ecological Management Plan in Respect of Condition 7(g) – Phase 1 - 14 January 2021 - 20/01-4C

Ecological Conservation Management Plan In Respect of Condition 13 – Phase 1 - 14 January 2021 - 20/01-3C

Bat Technical Note: Survey Results & Recommendations - EPR

Badger Technical Note: Survey Results and Recommendations – EPR

- 2 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Construction Ecological Management Plan (EPR, January 2021), the Ecological Conservation Management Plan (EPR, January 2021), the Bat Technical Note: Survey Results & Recommendations (EPR, June 2021) and the Badger Technical Note: Survey Results and Recommendations (EPR, July 2021) as already submitted with the planning application and agreed in principle with the local planning authority.

This may 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.

- 3 No sett closure shall in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
- 4 Prior to the installation of any lighting on site a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

311. 21/00270/ADV - MCDONALD'S, FULLBRIDGE, ESSEX, CM9 4LE

Application No:	21/00270/ADV
Location:	McDonald's Fullbridge Essex CM9 4LE
Proposal:	Application for advertisement consent for the installation of 4No. Fascia signs
Applicant:	McDonald's Restaurants Limited
Agent:	Mrs Sarah Carpenter - Planware Limited
Application Expiry Date:	10 June 2021 - EoT until 4th August 2021
Parish:	Maldon
Case Officer:	Amit Patel
Reason for referral to Committee:	Deferred from Central Area Committee on 28 July 2021 following consideration for decision at District Planning Committee

Following the Officer's presentation, the Chairman opened the debate and invited comments on the report.

Councillor Morris proposed that the application be refused contrary to the Officer's recommendation, this was not seconded. The Chairman moved the Officer's recommendation which was seconded by Councillor Swain. A recorded vote was called for but not seconded. The Chairman then put the Officer's recommendation to the Committee and it was agreed by assent.

RESOLVED that **ADVERTISEMENT CONSENT** be **GRANTED** subject to the following conditions:

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 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.
- 3 No advertisement shall be sited or displayed so as to:
 - endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)

- obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 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.
- 5 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.
- 6 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.
- 7 The maximum luminance of the sign shall not at any time exceed the standards contained within the Institution of Lighting Professionals Technical Report PLG05 The Brightness Of Illuminated Advertisements, for zone E3 locations, which in this case is 600 Candelas per square metre (600 cd/m²) for signs less than 10m², and 300 Candelas per square metre (300 cd/m²) for those over 10m².

312. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

There were none and the Chairman thanked all on attendance for their contributions.

The meeting closed at 9.21 am.

M S HEARD
CHAIRMAN