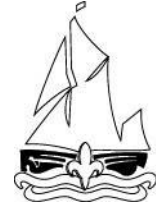


CIRCULATED PRIOR
TO THE MEETING



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
2 DECEMBER 2021**

MEMBERS' UPDATE

AGENDA ITEM NO. 5

Application Number	21/00788/FUL
Location	Land At Broad Street Green Road, Maypole Road And Langford Road, Heybridge, Essex
Proposal	Formation of temporary access points for construction traffic from Maypole Road and Broad Street Green Road.
Applicant	Mr D Moseley
Agent	Kevin Coleman - Phase 2 Planning & Development Ltd
Target Decision Date	30.09.2021 (Extension of time agreed: 08.12.2021)
Case Officer	Anna Tastsoglou
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In by Councillor Mr Michael Edwards Reason: Policies N1 and N2 and deviation from the construction accesses allowed on appeal under the terms of application 15/00419/OUT

It should be noted that while a member has called this application into committee, this application directly relates to one of the Garden Suburbs (S2(d)) included in Policy S2 of the Local Development Plan, and therefore defaults to Member decision at District Planning Committee.

5.3 Impact on Residential Amenity (page 23)

5.3.4 Within this paragraph it is stated at the time of writing of the report no response was received by the Environmental Health Officer. It should be noted that a response was received after the report was originally drafted raising no objection to the proposed development. This is further discussed in section 7.3 of the report (page 28). It should be also noted that since the writing of the report application 21/05134/DET to discharge condition 7¹ of the approved hybrid application 15/00419/OUT including

¹ Condition 7: No development within any part of the site or phase of development (as defined in the Strategic Phasing Plan to be approved pursuant to Condition 11) shall take place until a Construction Environmental Management Plan (CEMP) for that part of the site or phase of the development has been submitted to and approved in writing by the local planning authority. The CEMP shall include the consideration of the following aspects: (a) indicative construction and phasing programme for that phase/part of the development; (b) details of the location of the construction compound with boundary/security details, and temporary buildings/offices, storage areas/compounds, plant, equipment, external lighting arrangements, materials storage, screening, and hoardings; (c) hours of construction and delivery times for construction purposes; (d) a Waste Management Plan detailing the anticipated nature and volumes of waste, measures to ensure the maximisation of waste re-use, measures to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximised reuse of waste both within and outside the site, any other steps to ensure the minimisation of waste during construction, the location and timing of provision of facilities, proposed monitoring and timing of submission of monitoring reports; (e) a Pollution Management Plan to include details of

details of the Construction Management Plan has been approved. Given that this application to discharge criteria (a) to (f) and (h) to (k) of condition 7 in relation to Phases 1 and 2, including the currently proposed temporary access points, has been approved and it includes further details in relation to construction management plan, such as a waste management plan, a pollution management plan and noise mitigation measures, it is considered reasonable that the suggested condition 8 is amended to accord with the approved details.

5.3.5 In terms of criterion (g) of condition 7 which relates to a Construction Ecological Management Plan, it is considered that this would not be necessary to be conditioned for the purposes of the current application which solely relates to the formation of two temporary access points. The submission of details in relation to this criterion are secured through condition 7 of application 15/00419/OUT. For clarity purposes it should be noted that no construction on the wider site (S2(d)) apart from the formation of the temporary access points is proposed under this application. This was separately assessed as part of the hybrid application 15/00419/OUT and will be assessed as part of any subsequent Reserved Matters application. A condition requiring the submission of a Construction Ecological Management Plan for the formation of two temporary vehicular access points, as proposed under this application, would go beyond what it is reasonably necessary for the scale and type of the development and therefore, it would not meet the six test's of planning conditions as set out in Planning Practice Guidance.

5.3.6 On the basis of the above, condition 8 is suggested to be amended as follows:

The construction and use of the temporary construction access points hereby permitted shall only be undertaken in accordance with the details approved as part of application 21/05134/DET.

REASON To protect residential amenity in compliance with policy D1 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework and the Maldon District Design Guide SPD.

6. ANY RELEVANT SITE HISTORY

6.1.1 It should be noted that since the writing of the committee report the following applications have been determined:

- **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

measures to be taken during the construction period to protect wildlife, habitats and hydrology, an investigation and monitoring scheme to oversee and direct construction works, and details of soil handling, storage and restoration, dust management and wheel washing facilities; (f) procedures for dealing with any unexpected contamination that may be encountered during the construction process; (g) a Construction Ecological Management Plan, including details for mitigating the effects of construction on habitats and protected species in line with the assessment set out in the Environmental Statement; (h) measures for protecting trees and hedgerows intended for retention, during the construction process; (i) a Noise and Vibration Plan detailing methods for monitoring and mitigating noise and vibration from plant, construction equipment and vehicles; (j) a Water Management Plan detailing the measures to be used to prevent pollution into ground water supplies and to prevent flooding; and (k) a Traffic Management Plan to detail vehicle access arrangements, permanent and temporary realignment of highways, diversions and road closures, temporary signage, delivery areas, and parking spaces for visitors and on-site workers, and the safeguarding of Public Rights of Way during construction. The CEMP shall be implemented in the manner approved before any development commences in the relevant phase of development/part of the site to which it relates and shall be adhered to for the duration of the construction period of that phase/part of the development. All construction infrastructure shall be removed from the site within three months of completion of the corresponding phase/part of the development.

Agenda Item no. **Error! Reference source not found.**

- **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
- **21/05129/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
- **21/05147/DET** - Compliance with conditions notification 15/00419/OUT (Part outline/part detailed (hybrid) application for mixed use development - Condition 8 - Archaeological assessment. – cleared – 22.10.2021
- **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