



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
16 NOVEMBER 2022**

PRESENT

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

401. CHAIRMAN'S NOTICES

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

402. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor M S Heard.

It was noted that apologies had also been given by Councillor M R Edwards.

403. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 19 October 2022 be approved and confirmed.

404. DISCLOSURE OF INTEREST

There were none.

405. 22/00820/FUL - THE PROMENADE PARK, PARK DRIVE, MALDON, ESSEX

Application Number	22/00820/FUL
Location	The Promenade Park, Park Drive, Maldon, Essex
Proposal	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
Applicant	Maldon District Council
Agent	Mr Paul Calder – Real8 Group
Target Decision Date	11.10.2022
Case Officer	Kathryn Mathews
Parish	MALDON EAST
Reason for Referral to the Committee / Council	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.

It was noted that this application had been deferred by the Committee at its last meeting to provide opportunity for the applicant to submit further information regarding the proposal. The report highlighted an additional consultation response from Essex County Council Ecology along with further information in support of the application which had been received. The original Officer report and associated Members' Update were attached at Appendix 1 to the report. Some Members commented that they felt the reasons for deferral had not been addressed.

Following the Officers' presentation, Mr Butcher on behalf of the applicant addressed the Committee.

During the lengthy debate that followed Officers provided clarification on a number of issues raised by Members, including:

- The application was seeking temporary permission and the site would be restored to its original condition within three years.
- Condition 7 would ensure that of the seven locations identified only a maximum of four would be used at any one time.
- Some concern was raised regarding the lack of a Promenade Park Management Plan, but it was noted that if a further application were to be submitted at the end of the temporary permission, the proposal could be reassessed in light of any Management Plan which may then be in place.
- Examples of the type of structures had been provided however if Members considered it was necessary, a condition could be imposed to require approval of the structures before they were put in place.
- It was confirmed that the Committee could grant planning permission for a shorter period than the three years recommended, if considered necessary.

Councillor K M H Lagan highlighted his concerns and proposed that the application be refused for reasons relating to bulk and overdevelopment. In response to a comment regarding when an application could be resubmitted following refusal Members were advised that there was no time restriction. The Chairman clarified the reasons for refusal as relating to the design, scale, bulk and the development being detrimental to the overall enjoyment of the park. The Lead Specialist: Development Management advised the Committee these reasons would be difficult to substantiate given the

temporary nature of the structures proposed and a condition could be imposed to require further details. The proposal was not supported.

In response to a question, the Specialist: Development Management advised that the block plan submitted with the application identified the position of the concessions within the seven plots. Members discussed the plots in detail with a number of comments raised regarding particular plots.

Councillor S P Nunn proposed that the existing temporary structure concessions be permitted to continue in their current location(s) for a period of one year but that no further structures or locations be considered until at least an interim Promenade Park Plan was in place. This proposal was duly seconded. Officers sought clarification regarding which locations Councillor Nunn was referring to. Members discussed the sites and it was suggested that existing concessions at locations B, C and F should be permitted. It was clarified that the locations were as referred to on the site photos of the surveyed areas, submitted as part of the application. Councillor Nunn amended his proposal that current sites B, C and F (as identified on the site photos of the surveyed areas plan) be approved for one year but that no further structures or locations be considered until at least an interim Promenade Park Plan was in place. This amendment was duly seconded.

The Chairman drew Members' attention to conditions should the proposal be supported, referring to the conditions set out in the Officers report but with amendments to refer to a one year temporary permission, only approving sites B, C and F and a condition regarding design.

In response to a question regarding the hours of operation, the Officer explained the times detailed were maximums and the applicant did not envisage concessions opening regularly to 10pm. Different times were discussed in relation to the existing opening hours of Promenade Park but it was suggested and agreed that operating hours should end 30 minutes before sunset.

At this point, Councillor C Swain proposed that two further conditions be considered, the first to not allow the use of petrol or diesel generators once in place and the second that the concessions could not make use of electronically produced sound / music.

The Chairman then put the proposal in the name of Councillor Nunn to the Committee. Upon a vote being taken this was duly agreed.

The Chairman then put the proposed additional two conditions from Councillor Swain to the Committee. These were duly seconded but upon a vote being taken were not agreed. The Chairman then referred Members to the conditions she had mentioned earlier, and these were duly agreed, subject to the agreed amendment to opening hours.

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

- 1 The use hereby permitted shall cease and the land restored to its existing condition within one year of the date of this planning permission.
- 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
- 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.

- 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.
- 5 Notwithstanding the drawings submitted, only areas labelled B, C and/or F (as identified as part of the ecological assessment letter submitted dated 12 July 2022 from Hybrid Ecology Ltd) shall be used as proposed at any time.
- 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.
- 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.
- 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.
- 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."
- 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.

406. 22/00983/ADV LANGFORD ROAD, HEYBRIDGE, ESSEX

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

In response to a question regarding consent approval recently given for the same sign in a different location and whether that approval would still exist if this application was approved, the Specialist: Development Manager advised that it would still exist but should Members have concerns a condition could be imposed so that the developer had the choice of either approved position for the sign but not both.

It was noted that this application was retrospective, and a Member commented that the sign should refer to Heybridge and not Maldon. The Officer explained this was not a material consideration but the applicant may take this on board for the future.

Councillors Miss A M Beale, B B Heubner and P L Spenceley declared non-pecuniary interests in this application as they were Members of the North Heybridge Garden Suburb Community Liaison Panel.

Councillor K M H Lagan declared a non-pecuniary interest as he had received an email from a resident regarding this application. He referred to a number of points raised in the email. In response the Specialist: Development Management reminded the Committee that the same sign had consent albeit in a different location and therefore, there was little scope to reassess its visual impact, especially as the sign's revised position would be less visually prominent.

It was noted that the previous application had been supported by Essex County Council Highways, but no consultation response had been received from them on this application.

Councillor Mrs J C Stilts proposed that the application be approved as per the report on condition that the developer could not display two signs. This proposal was duly seconded and upon a vote being taken was agreed.

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: 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.
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.

8. The public's rights and ease of passage over public footpath no 30 (Heybridge) shall be maintained free and unobstructed at all times.
9. The advertisement hereby consented shall be removed within 7 days from the installation of the advertisement approved under the terms of application 21/00945/ADV near Langford Road.

There being no other items of business the Chairman closed the meeting at 9.17 pm.

C MAYES
CHAIRMAN