

MEMBERS' UPDATE

DIRECTOR OF STRATEGY,
PERFORMANCE AND
GOVERNANCE'S OFFICE
DIRECTOR OF STRATEGY, PERFORMANCE
AND GOVERNANCE
Paul Dodson

10 December 2019

Dear Councillor

CENTRAL AREA PLANNING COMMITTEE - WEDNESDAY 11 DECEMBER 2019

Please find enclosed the Members' Update for the above meeting, detailing any further information received in relation to the following items of business since the agenda was printed.

7. **FUL/MAL/19/01055 and LBC/MAL/19/01056 - Beeleigh Abbey, Abbey Turning, Maldon** (Pages 3 - 4)
8. **FUL/MAL//19/01060 - Anchor Guest House, 7-9 Church Street, Maldon** (Pages 5 - 6)
9. **FUL/MAL/19/01061 - Anchor Guest House, 7-9 Church Street, Maldon** (Pages 7 - 8)
10. **WTPO/MAL/19/01071 - 34 Highlands Drive, Maldon** (Pages 9 - 14)

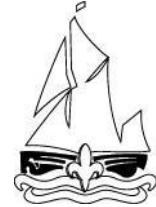
Yours faithfully



Director of Strategy, Performance and Governance

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**CIRCULATED
BEFORE THE
MEETING**



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
11 DECEMBER 2019**

MEMBERS' UPDATE

AGENDA ITEM NO. 7

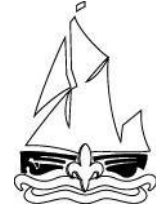
Application Number	19/01055/FUL & 19/01056/LBC
Location	Beeleigh Abbey, Abbey Turning, Maldon
Proposal	Erection of proposed one and two-storey outbuilding to provide a private library and kitchenette, with single storey link. Repairs and minor remodelling of an existing timber-framed range. Associated drainage connections and hard and soft landscaping.
Applicant	Mr & Mrs Foyle
Target Decision Date	16.12.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call In by Councillor Mayes Reason: <ul style="list-style-type: none"> - Policies D1, S5, S3, D3, D4, N2. - The size of the building and its facilities seem excessive and inappropriate for the location and importance of the heritage asset.

7.1 Representations received from Parish / Town Council

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Comments noted

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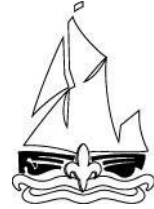
AGENDA ITEM NO. 8

Application Number	19/01060/FUL
Location	Anchor Guest House 7 -9 Church Street Maldon Essex
Proposal	Alteration of existing property and conversion of ground floor guest house accommodation to form one two bedroom flat and one studio flat. Existing first floor flat and existing attached cottage to be retained as independent dwellings.
Applicant	Mr Stuart Ringer
Agent	Mr Robert Ward-Booth - Ward-Booth Partnership
Target Decision Date	13.12.2019
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	<p>Member Call-in – Councillor Mayes due to H4 (5.2) too much within a small development site</p> <p>H4 (5.28) alterations are not well designed to allow for good quality high street based housing and are out side the current LDP requirements</p> <p>D1 (3.6) new development - SPD - although within the curtilage of the High Street minimum parking should be afforded to avoid impacting on neighbours or existing parking arrangements. (2 bed flat - 1 space; 1 bed flat - 1 space; 1 studio flat - 1 space; 2 bed cottage - 1 space) These should also be allocated spaces</p> <p>D1 Poor design with flat roof retained and rear entrances not addressed for good quality access and living for couples or single people.</p> <p>D3 (3.28) within the conservation area improvement to all aspects of development including quality layout design, inside and out; good access; sympathetic materials</p>

This application has been **WITHDRAWN**.

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AGENDA ITEM NO. 9

Application Number	19/01061/FUL
Location	Anchor Guest House 7 -9 Church Street Maldon Essex
Proposal	Alteration of existing property and change of use of ground floor guest house accommodation to form a five bedroom "house in multiple occupation". Existing first floor flat and existing attached cottage to be retained as independent dwellings.
Applicant	Mr Stuart Ringer
Agent	Mr Robert Ward-Booth - Ward-Booth Partnership
Target Decision Date	13.12.2019
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in – Councillor Mayes for the following reasons: D4 (5.2) Volume of residential units too high on site therefore not providing a good quality of life H4 (5.28) minimal design inside - not quality living. HMO's are not on the list of development needs. D1 (3.6) insufficient given potential number of residents SPD - potential to have five families (9 people) plus flat (2 persons) and existing cottage (2 persons) (9 spaces + 1 space + 1 space = 11 spaces. Only 4 available and not allocated) D1 poor design inside and out - flat roof retained and rear entrances not designed to provide a quality living environment for residents. D3 (3.28) within conservation area the poor/no design layout overall is lacking. HMO requirements are demanding and quality is paramount to avoid longer term issues that could cause the EHO issues.

This application has been **WITHDRAWN**.

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AGENDA ITEM NO. 10

Application Number	19/01071/WTPO
Location	34 Highlands Drive, Maldon
Proposal	Fell oak tree to rear of property and treat stump to prevent regrowth and replace.
Applicant	Miss Abrams
Target Decision Date	3.12.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call In by Councillor Mayes Reason: - Policies N1 and N2

4.4 Other Considerations

- 4.4.3 It is noted that following the report being published on the agenda, the agent has made the following comments, which have been summarised:

If the TMA Chartered Surveyors report was of any use, it would have been provided with the application. It is now attached. An engineer's report was provided and provides a full description of damage. Para 4.3.5 of your report states that "it is only speculative" – it was produced in October 2018 at the start of the claim, prior to the site investigations. It is a report that maps out what needs to be done under Next Steps. There is no need for a "final report" as the evidence provided speaks for itself.

Para 4.3.6 states that it is possible for drain leakage to have caused ground to be softened. Yes, that is why the drains have been repaired and level monitoring continued after the drains have been repaired (January 2019). That is why the clearly seasonal movement observed during 2019 can only have been caused by the oak tree. The statement made in your report is premature as it does not appear to have taken the November 15th readings into account.

Para 4.3.7 states that "no foundation details have been provided". Para 4.3.3 states "no root or soil analysis have been provided". These have been provided.

Our application made it clear that if the tree is not allowed to be removed there are significant foreseeable losses. Your para 3.1.4 spells this out but it does not clarify that a loss of a similar magnitude is probable (i.e. reasonably foreseeable) if a root barrier is installed instead of allowing the removal of the tree. (para 6.3 of the arboricultural report).

Para 3.2.1 states “the evidence put forward does not consider other works which may be undertaken....” yet the arboricultural report states (paras 6.2 and 6.3) this. It also considers pruning in 6.4.

There is no doubt that the removal of the oak tree will have a detrimental impact on the landscape. If the council want to place a large value on the tree (your report para 4.3.4) that is a matter for the council.

4.4.5 The TMA Surveyors report and a monitoring report have been submitted, since the writing of the initial committee report. The Council’s Tree Consultant has reviewed these and has taken them, and the Agent’s comments into account in his further response, seen in section 6.2. It is noted that the Tree Consultant’s original response, as well as paragraphs 4.3.3 and 4.3.6 of the report stated that no soil or root analysis had been undertaken. This was incorrect and the root and soil information has now been taken into account in the Tree Consultant’s response below.

4.4.6 It is noted that an occupier of the application site address has submitted supporting comments for the application. These are summarised below:

- Support as the roots of the Oak have been found next to the foundations of No.34 and the damage to the house will be substantial if not addressed.
- Financial concerns – root barriers would cost around £35,000 which is not guaranteed to solve the issue and this cost could be passed onto the Council by the insurer.
- No.36 is close by and they may have issues in the future.
- The house is moving due to the tree, this has been noted by an expert.
- A replacement tree could be considered.

4.4.7 In summary, it is not considered that the Agent’s comments or the supporting comments alter the Council’s stance on this application.

6.1 Representations received from Parish / Town Council

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend refusal – contrary to policies N1 and N2 of the LDP.	Comments noted.

6.2 External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	Response to Agent’s comments: Normally soil reports are sent as a separate report. I had	Comments noted

	<p>not realised it was in the drainage report, as the information had said the drain had been repaired. I apologise for this, however this has now been taken into account.</p> <p>As previously stated it is not impossible that the tree is contributing to the damage being experienced, and initial level monitoring provided do show a seasonal movement that can be associated with vegetative influence. However, given the recent dry summers would such ground movement not be occurring anyway? The Council's Building Control department said this could be considered slight movement, and with the damage to the drains in the past could have caused some softening on the ground that could have contributed to the movement. It was also pointed out that the foundation depth according to NHBC standards could be considered not suitable in relation to the tree and its potential influence. If deeper foundations were in place it's possible the property would not be influenced by the tree. Also the latest monitoring info of 15th November was not available when I made my comments. Now it can be seen that a pattern does appear to be following a line characteristic of vegetative influence. However, to ensure this is the case it would need to follow a 12 month cycle. I appreciate the insurers are wanting to reduce claim time and costs where possible, but surely the correct solution with all available information and options should be sought. There are alternative construction techniques that could be implemented to address the damage and be less invasive to the house holders, providing a long term solution other than removing the tree. In this case I think this should be explored first.</p> <p>As this is such an important landscape tree (even the arboricultural consultant comments its removal would have a detrimental impact on the landscape), the project structural engineer should have provided a final report to detail why other solutions other than removal cannot be considered, identifying from a structural perspective in terms of reasonable practicality and cost, to address the damage. We only have the arborist saying that removal is the only viable option. If the tree is removed, provide some credible reasoning that this is the best option for the property owners, indicating as to how long will they have to wait until the damage can be repaired? The arborist report mentions an acceptable heave risk, has the effect on other properties in influencing distance been considered to how this could impact on them? What are their guarantees this will be</p>	
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	<p>a final solution and movement will not continue to occur because of insufficient foundation depth etc?. There is an Oak further down from the property, that could also be influencing the soil conditions. If action is not taken to address the foundation issue, could the property experience future movement because of this tree if summers continue to be dryer than normal, despite the Oak closest being removed. The removal costs are likely to be cheaper compared to repair or installing a root barrier. The arb report says these options will not provide a long-term solution, but without providing suitable repairs to the foundations, what evidence has been provided to demonstrate the removal of the tree will definitely resolve the situation. If this cannot be proven then surely repairs to the foundation would be the only viable option, and the tree could then be retained.</p> <p>Perhaps a compromise of a significant reduction to the canopy in collaboration with a root barrier and / or an under-pinning solution could be explored before removing the tree. At least more information provided to demonstrate that removal is the only viable option.</p> <p>We need to ensure all parties have explored the options and not just gone for the cheapest and easiest.</p> <p>To summarise, and as mentioned before, there is evidence that can implicate the tree in the damage, but more discussion and exploration into alternative methods of returning the property back to a good state should be explored before allowing this significant landscape tree to be removed.</p>	
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6.3 Representations received from Interested Parties (summarised)

6.3.1 Four further letters of objection have been received.

Objection Comment	Officer Response
The tree belongs to the hospital	Comments noted. Ownership of the tree is not a planning consideration.
Moving fence boundaries	Boundary disputes are not a planning consideration.
The tree should be left alone	Comments noted.
Other building works may have caused the damage to the property, not the tree	Comments noted.
No other properties appear to have had issues with surrounding trees	Comments noted.
Highlands Drive has suffered from underground water springs which have affected	Comments noted.

houses nearer the water tower	
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6.3.2 One further letter has been received commenting on the application.

Comment	Officer Response
Trees have benefits in relation to biodiversity, pollution, shelter, soil stabilisation, CO2 removal, oxygen production etc.	Comments noted.
There is traffic in the area, so the air needs all the help it can get.	Comments noted.

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