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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

23 May 2017

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 31 MAY 2017** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor S J Savage

COUNCILLORS

Miss A M Beale

A T Cain

I E Dobson

Mrs B D Harker

M S Heard

Miss M R Lewis

M R Pearlman

Mrs N G F Shaughnessy

Rev. A E J Shrimpton

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 31 MAY 2017

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 12)

To confirm the Minutes of the meeting of the Committee held on 19 April 2017, (copy enclosed).

4. **Minutes - 22 March 2017** (Pages 13 - 24)

To confirm the Minutes of the meeting of the Committee held on 22 March 2017, (copy enclosed).

5. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive 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).

6. **FUL/MAL/16/01252 - Mobile Car Wash in Car Park Blackwater Leisure Centre, Park Drive, Maldon** (Pages 25 - 32)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

7. **FUL/MAL/17/00067 - Millennium Wood, Park Drive, Maldon** (Pages 33 - 46)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

8. **HOUSE/MAL/17/00183 - 32 Ridgeway, Maldon** (Pages 47 - 54)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

9. **FUL/MAL/17/00216 - Topsail Charters Limited, Cooks Boatyard, The Hythe, Maldon** (Pages 55 - 70)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

10. **OUT/MAL/17/00359 - Land Rear of 183 Fambridge Road, Maldon** (Pages 71 - 80)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

11. **HOUSE/MAL/17/00377 - 27 Mundon Road, Maldon** (Pages 81 - 88)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

12. **FUL/MAL/17/00449 and LBC/MAL/17/00450 - The Limes Guest House, 21 Market Hill, Maldon** (Pages 89 - 100)

To consider the planning application and recommendations of the Chief Executive copy enclosed, Members' Update to be circulated)*.

13. **Other Area and Planning Related Matters** (Pages 101 - 102)

To consider the report of the Chief Executive on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

14. **Nomination of a Member to the Local Area Highways Panel**

To nominate a Member to represent the Central Area Planning Committee on the Local Area Highways Panel, as requested by the Council at its meeting on 11 May 2017.

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

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 6 – 12.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In 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. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (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 Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

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 and 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
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- 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 - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of 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 APRIL 2017**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor M R Pearlman
Councillors	Miss A M Beale, A T Cain, Mrs B D Harker, M S Heard, Miss M R Lewis, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton
Ex-Officio Non- Voting Member	Mrs P A Channer, CC

1215. CHAIRMAN'S NOTICES

The Chairman drew attention to the list of notices published on the back of the agenda.

1216. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor I E Dobson.

1217. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 22 March 2017 be received;

Councillor Mrs P A Channer, CC was shown as being present as a Member of the Committee, however, she should have been recorded as being present as an Ex-Officio Non-Voting Member.

**Minute Number 1107 – FUL/MAL/16/01513 – CAR PARK, COUNCIL OFFICES,
PRINCES ROAD, MALDON**

Some Members understood that a training session on EIA would be arranged and Officers were requested to look in to this.

Minute Number 1109 – FUL/MAL/17/00074 – TESCO, FULLBRIDGE, CM9 4LE

The word “than” in the final line of the second paragraph should be deleted.

Members discussed various references to S106 Agreements on this application and requested that the Minutes of this meeting be deferred and requested that the Chairman and Vice-Chairman discuss the content of the Minutes with Officers on this issue.

RESOLVED

- (ii) that approval of the Minutes be deferred until the next meeting of the Central Area Planning Committee so that the Chairman, Vice-Chairman and Officers could look at the Minutes relating to this application and, in particular, discussions around any S106 Agreement.

1218. DISCLOSURE OF INTEREST

Councillor Miss M R Lewis declared a non-pecuniary interest in relation to Agenda Item 5 - HOUSE/MAL/17/00164 – 75 GOLDHANGER ROAD, HEYBRIDGE, as she knew the Applicant’s family.

Councillor Mrs P A Channer CC declared a non-pecuniary interest as she was also a Member of Essex County Council who was consulted on education, highways and other matters.

The Committee considered the reports of the Interim Head of Planning Services and determined the following applications taking into account all representations and consultation replies received, including those detailed on the Members’ Update.

1219. HOUSEMAL1700164 - 75 GOLDHANGER ROAD, HEYBRIDGE

Application Number	HOUSE/MAL/17/00164
Location	75 Goldhanger Road, Heybridge
Proposal	Front two storey extension, rear single/two storey extension & new external render finish on insulation
Applicant	Mr & Mrs Bowyer
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	20 April 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

Following the Officer’s presentation of the report, Mrs Bowyer, the Applicant, addressed the Committee.

The Chairman, a Ward Member, advised Members that he had called this application in. He was of the opinion that it should be approved due to the special circumstances of the Applicant's family which he understood to be a material consideration. The Chairman then proposed that this application be approved contrary to the Officers' recommendation.

Members considered that the proposed front elevation was an improvement to the existing elevation and would not be detrimental to the street scene. The houses on Goldhanger Road were set well back from the road and many of them had installed porches etc. and any impact from the proposed extension would be minimal.

The Group Manager for Planning Services advised Members that the reasons for refusal should be considered in relation to the impact on the character of the area and the design. If Members were minded to approve this application, then design could be used as a reason for the overturn.

The Group Manager for Planning Services then provided some clarity on what was meant by special circumstances. The circumstances must be very special circumstances and there was case law that supported this. Although the Applicant had provided a letter giving reasons why the front extension was also needed, the letter was lacking in detail. Members were reminded that they must determine the application in front of them. If a future application was submitted which gave more detail as to the special circumstances, then it may be considered differently by Officers.

Councillor Miss M R Lewis reiterated her earlier non-pecuniary interest and advised that the family wanted this to be a forever home and their child with special needs required space downstairs as accessing rooms upstairs was becoming more challenging. There was also a lot of specialist equipment required, which needed space to store it. Members were of the opinion that young families should be encouraged to remain in the district and that the application was genuine, supported by the Applicant's presence at the meeting.

The proposal to approve this application was then duly seconded and, upon a vote, the motion was unanimously carried.

RESOLVED that this 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 in complete accordance with approved drawings:
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

1220. HOUSEMAL1700175 - 3 ACACIA AVENUE, MALDON

Application Number	HOUSE/MAL/17/00175
Location	3 Acacia Avenue, Maldon
Proposal	Construction of ancillary granny annexe
Applicant	Mrs Burley
Agent	Mr Chris Moore - Plainview Planning LTD
Target Decision Date	27 April 2017
Case Officer	Nigel Hebden, TEL: 01261 875741
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Parish Trigger

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

- 1 The development hereby permitted shall begin no later than three years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos Location Plan, Block Plan (2) Elevations & Floor Plan.
- 3 The external finishes of the proposed building shall be as specified in the "Planning Statement" Document Reference 1609/CMOW/Maldon District Council dated February 2017.
- 4 The additional residential accommodation/annex hereby approved shall only be occupied and used as ancillary accommodation to the main dwelling known at the time of this decision as 3 Acacia Road, Maldon and shall at no time be subdivided from the curtilage of, or used as an independent unit of residential accommodation separate from, 3 Acacia Road, Maldon.

1221. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received the report of the Interim Head of Planning Services, including those on the Members' Update, detailing the following:

(i) Appeals Lodged:

Appeal Start Date: 27/03/2017

Application Number: FUL/MAL/16/01218 (APP/X1545/W/17/3169518)

Site: 16 Fambridge Road, Maldon, Essex, CM9 6AF

Proposal: Retrospective - The siting of cake fridges in the front garden.

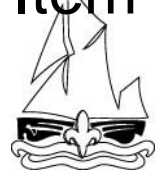
Appeal by: Miss Deborah Howes

Appeal against: Refusal

Appeal procedure requested: Written Representations

There being no further items of business the Chairman closed the meeting at 8.04 pm.

B E HARKER
CHAIRMAN



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
22 MARCH 2017**

PRESENT

Chairman	Councillor Bryan E Harker
Councillors	Miss A M Beale, A T Cain, Mrs B D Harker, M S Heard, Miss M R Lewis, S J Savage, Mrs N G F Shaughnessy and Rev. A E J Shrimpton
Ex-Officio Non- Voting Memeber	Councillor Mrs P A Channer, CC

1101. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

The Chairman drew attention to the list of notices published on the back of the agenda.

1102. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I E Dobson and M R Pearlman.

1103. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 22 February 2017 be received;

Minute number 1011 – FUL/MAL/16/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon

There was a typographical error in the last paragraph and the word “DEFERRED” should be substituted for the word “DEFFERED”.

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 22 February 2017 be confirmed.

1104. DISCLOSURE OF INTEREST

Councillor S J Savage declared a non-pecuniary interest in relation to the following Agenda items:

- Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon
- Agenda item 9 – FUL/MAL/17/00074 – Tesco, Fullbridge, CM9 4LE
- Agenda item 10 – FUL/MAL/17/00075 – Tesco, Fullbridge, CM9 4LE

Councillor M S Heard declared a non-pecuniary interest in Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon and suggested that all Members should declare an interest.

Councillor A T Cain declared the following:

- A non-pecuniary interest in relation to Agenda item 5 – FUL/MAL/14/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon, as he knew the Applicant;
- The same interest as other Members in relation to Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon;
- A pecuniary interest in relation to Agenda item 10 - FUL/MAL/17/00075 – Tesco, Fullbridge, CM9 4LE and that he would leave the meeting for this item.

Councillor Mrs B D Harker declared a non-pecuniary interest in relation to Agenda item 5 - FUL/MAL/14/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon, as she knew the Applicant.

Councillor Miss A M Beale declared a non-pecuniary interest in relation to Agenda item 7 - FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon.

The Committee considered the reports of the Interim Head of Planning Services and determined the following applications taking into account all representations and consultation replies received, including those detailed on the Members' Update.

1105. FUL/MAL/16/01496 AND LBC/MAL/16/01497 - THE LIMES GUEST HOUSE, 21 MARKET HILL, MALDON

Application Number	FUL/MAL/16/01496 LBC/MAL/16/01497
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, during which she drew Members' attention to the Members' Update, Mr John Salisbury, an Objector, of 4 Hill House Mews, Maldon, addressed the Committee.

The Officer then advised Members that MDC was aware of the dispute in relation to the boundary wall and advised that the onus was on the Applicant to ensure that the boundary was safe and met legislative requirements.

For the sake of clarity, the Chairman confirmed to the Committee that all three sheds that were currently in place, would be removed.

Members debated this application in some detail and raised concerns regarding the following matters:

- The condition of the wall and any possible further damage that may occur;
- Ownership of the wall;
- Disabled access and the provision of a disabled parking bay;
- Lack of access to the land at the rear of the property and concerns about rubbish, vermin etc. in that location;
- Possible damage from the roots of the tree at the back of the property.

The Interim Head of Planning Services advised Members:

- that the concern about the retaining wall was not a material consideration, but that it was possible to request that building control investigates;
- that when the previous planning application was made in 2008, the owner certified that they were the owner of the land and, by implication, the owner of the wall;
- the provision of the disabled parking space could be dealt with by a condition, if Members were minded to approve this application.

In response to a question regarding reinstatement of the land following removal of the three sheds, the Chairman proposed that Members accept the Officers' recommendation to approve this application, subject to an additional condition to ensure that the land was reinstated following the removal of the sheds. He further proposed a condition for the provision of the disabled car parking space as included on the drawing submitted.

Councillor Rev. A E J Shrimpton then proposed refusal of this application on the grounds of overdevelopment.

The proposal to approve this application was then duly seconded, and upon a vote, the motion failed.

Following this, the motion to refuse this application was seconded and upon a vote, the motion was carried, with Councillor Shrimpton nominated to represent the Council at any appeal with any appeal statement being sent to him.

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

- 1 The development proposal would result in overdevelopment of site contrary to policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

1106. HOUSE/MAL/16/01499 AND LBC/MAL/16/01500 - 33 LONDON ROAD, MALDON

Application Number	HOUSE/MAL/16/01499 LBC/MAL/16/01500
Location	33 London Road, Maldon
Proposal	Single storey extension to the rear of the house. Internal alterations at ground and first floor level. Repair works to the main roof of the house to include stripping and re-laying of slate tiles.
Applicant	Mr & Mrs Lloyd
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	24.03.2017
Case Officer	EMILY HALL, Tel: 01621 875744
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

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

HOUSE/MAL/16/01499

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 in complete accordance with approved drawings: Location Plan rcvd. 28.12.16, A16504/BlockA rcvd.

24.02.17, A16504 revd. 28.12.16, A16504/PP03A revd. 09.01.17, A16504/PP01C revd. 06.03.17.

3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Notwithstanding the roof materials the external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application.

LBC/MAL/16/01500

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 in complete accordance with approved drawings: Location Plan revd. 28.12.16, A16504/BlockA revd. 24.02.17, A16504 revd. 28.12.16, A16504/PP03A revd. 09.01.17, A16504/PP01C revd. 06.03.17.
3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to the installation of the railings hereby permitted large-scale drawings of the proposed railings, illustrating the section profile of the common members and the size and design of the finials, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

1107. FUL/MAL/16/01513 - CAR PARK, COUNCIL OFFICES, PRINCES ROAD, MALDON

Application Number	FUL/MAL/16/01513
Location	Car Park, Council Office, Princes Road, Maldon
Proposal	Installation of external lighting to newly formed car park.
Applicant	Maldon District Council
Agent	N/A
Target Decision Date	24 March 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council Owned Land Major Application

Following the Officer's presentation of the report, and in response to a question, the Interim Head of Planning Services advised Members that this application did not fall within the legislative criteria for an Environmental Impact Assessment (EIA). Whilst he understood the concerns of Members, he referred the Committee to proposed condition 3 which dealt with illuminance levels and amendments to minimise the impact on residential properties in the vicinity. The Interim Head of Planning Services suggested that a training session on EIA may be useful for Members.

In response to a question, the Interim Head of Planning Services advised Members that whilst the Environmental Health Department had suggested a curfew that ensured the lights were not in use after 23:00 hrs, then that could be brought in to line with the rest of the regime of times for lighting in Maldon.

Councillor Miss M R Lewis proposed that condition 3 be amended so that the lights were switched off at 01:00 hrs and this applied to all lights in the car park. This proposal was duly seconded. Members were advised that lights in Maldon were switched off at 00:00 hrs on a Sunday and 01:00 hrs on Monday to Saturday. The Interim Head of Planning Services understood Members' concerns and advised that the condition would be amended so that the lighting in the car park reflected the hours of lighting in the locality.

A question was asked as to whether these lights were included in the original plan for the car park improvements and Members were advised that the lighting would be an additional expense.

RESOLVED that this 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 in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The light hereby approved shall have a maximum vertical illuminance level of 5 lux pre-curfew and 1 lux post-curfew (measured at neighbouring residential properties) shall be achieved either by the fitting of light spill shields and / or by turning off the lights at 01:00 hours on Monday to Saturday and 00:00 hours on a Sunday.

1108. MLA/MAL/17/00049 - LAND OFF PARK DRIVE, MALDON

Application Number	MLA/MAL/17/00049
Location	Land off Park Drive, Maldon
Proposal	Application for a modification to the existing Section 106 Legal Agreement (executed under planning application FUL/MAL/14/00581)
Applicant	Chelmer Housing Partnership Limited
Agent	Sarah Balfour - Birketts LLP
Target Decision Date	19 April 2017
Case Officer	Joy Thomas, TEL : 01621 875879
Parish	MALDON EAST
Reason for Referral to the Committee/Council	In accordance with Area Planning Committee Terms of Reference

Following the Officer's presentation of the report, concern was raised about setting a precedent for reducing the amount of affordable housing to be delivered by housing associations if the Section 106 Legal Agreement was modified. However, it was

pointed out that, if Members were minded to approve this application, then it was only the type and tenure of the affordable housing that would be changed. Furthermore, the percentage of affordable housing would actually be slightly increased by the modification.

In response to a question, the Interim Head of Planning Services advised that a Ministerial Statement was in fact a material planning consideration.

RESOLVED that the modification to the existing Section 106 Legal Agreement (executed under planning application FUL/MAL/14/00581) be **APPROVED**.

Councillor A T Cain left the Council Chamber at this point in the meeting in accordance with his earlier declaration. He advised the Chairman that he would not be returning to the meeting.

1109. FUL/MAL/17/00074 - TESCO, FULLBRIDGE, CM9 4LE

Application Number	FUL/MAL/17/00074
Location	Tesco, Fullbridge, CM9 4LE
Proposal	Installation of 2no. ANPR cameras on 5m poles.
Applicant	Mrs. Mariana Benitez Rickmann
Agent	Tesco Stores Ltd
Target Decision Date	03 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Major Application

The Officer presented the report together with the report for the following application – ADV/MAL/17/00075 – TESCO, FULLBRIDGE, MALDON.

By way of clarification, the Interim Head of Planning Services advised that a Section 106 Legal Agreement was enforceable under contract law, whereas any conditions imposed would be enforceable than under planning law.

Subsequent to the Officer’s presentation, Mrs Judy Lea, an Objector, representing The Maldon Society, addressed the Committee.

The Chairman clarified to the Committee that this application was for the installation of two Automatic Number Plate Recognition (ANPR) cameras on one pole.

Councillor Mrs P A Channer declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on this scheme regarding highway safety.

By way of clarity on this application, the Interim Head of Planning Services outlined the process to Members where there is an application on a scale requiring a Section 106 Legal Agreement. There would usually be a pre-application, and then Heads of Terms for any Section 106 Legal Agreement would usually be drawn up and following that a planning application submitted to be considered by the relevant Committee, together

with any appropriate conditions, subject to the Section 106 Agreement. The Committee's resolution and, therefore, any planning consent granted, would not be triggered until the Section 106 Legal Agreement had been signed.

In response to a question, the Officer confirmed that under the agreement there were 50 spaces to be retained for free parking for a period of up to four hours. The cameras would be fixed and would be monitoring the timing of vehicles entering and exiting the car park. The Applicant had been advised that they could not implement the cameras without a change to the Section 106 Legal Agreement or by designating the 50 spaces so that the free parking could be monitored.

RESOLVED that this application be **APPROVED**.

1110. ADV/MAL/17/00075 - TESCO, FULLBRIDGE, CM9 4LE

Application Number	ADV/MAL/17/00075
Location	Tesco, Fullbridge, CM9 4LE
Proposal	Advertisements related to ANPR cameras and associated signs at Tesco car park
Applicant	Tesco Store Ltd
Agent	Mrs. Mariana Benitez Rickmann
Date Valid	2 February 2017
Target Decision Date	30 March 2017
Case Officer	Hilary Baldwin, TEL; 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

The Officer had presented the report together with that for the previous application and advised Members that whilst approval for one entry sign was recommended, refusal for the siting of any other signage around the car park was recommended.

In response to a question, the Interim Head of Planning Services confirmed to Members that it was the siting of the signs that was under consideration, rather than what was printed on them.

Members voted to approve the installation of one main entry sign board and following this the Interim Head of Planning Services reiterated that unless the Section 106 Legal Agreement was varied, then the permission granted to install the main entry sign board could not be implemented. As part of the process to vary the Section 106 Legal Agreement, the timescales for parking could be discussed and potentially varied.

Main Entry Sign Board - shown on drawing ref: B349-001, Dated January 2017 and annotated as Main Entry sign x 1

RESOLVED that this application be part **APPROVED** 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:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (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.
- 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.

Sign Boards - shown on drawing ref: B349-001, Dated January 2017

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

1. The sign board advertisements, due to excessive proliferation, are visually intrusive to the locality, resulting in a cluttered street scene with excessive signage, adversely and demonstrably causing harm to the character and appearance of the site and failing to preserve or enhance the special character and appearance of the Maldon Conservation Area, contrary to policies BE9 and BE11 of the Maldon District Replacement Local Plan, policies D3 and D6 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.

1111. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received the report of the Interim Head of Planning Services, including those on the Members' Update, detailing the following:

(i) Appeals Lodged:

Appeal Start Date: 06/03/2017

Application Number: HOUSE/MAL/16/01090 (APP/X1545/D/17/3169620)

Site: 52 Victoria Road, Maldon, Essex, CM9 5HF

Proposal: Rooms in roof

Appeal by: Mr & Mrs J Milne

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 10/03/2017

Application Number: FUL/MAL/16/00649 (APP/X1545/W/17/3168381)

Site: Land At Corner Of Station Road - Maldon

Proposal: Vary condition 15 (delivery hours) of approved planning application FUL/MAL/15/00567 (Planning application for the demolition of existing buildings and the construction of a foodstore (Class A1) together with access, car-parking (100 spaces), landscaping and associated engineering works on land at Station Road/ Fullbridge, Maldon) Vary delivery hours.

Appeal by: Lidl (UK) GmbH

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

Application Number: HOUSE/MAL/16/00726

Appeal Ref: APP/X1545/D/16/3161573

Proposal: Two storey side extension

Address: 6 Narvik Close - Maldon

APPEAL DISMISSED – 22 February 2017

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

Application Number: HOUSE/MAL/16/00662

Appeal Ref: APP/X1545/D/16/3164272

Address: 98 Washington Road, Maldon

Proposal: Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion. (Resubmission)

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 27 February 2017

1112. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

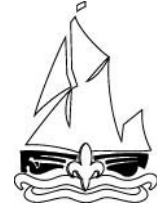
1113. ENFORCEMENT REPORT

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 10.22 pm

B E HARKER
CHAIRMAN

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**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
31 May 2017

Application Number	FUL/MAL/16/01252
Location	Mobile Car Wash In Car Park Blackwater Leisure Centre Park Drive Maldon Essex
Proposal	Retrospective - Change of use of 3No. parking bays for use as mobile car wash
Applicant	Mr Mark Taylor - Places For People Leisure Ltd
Agent	-
Target Decision Date	06.06.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

1. **RECOMMENDATION**


Consider and report to the Council for **REFUSAL** for the reasons as detailed in Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Mobile Car Wash In Car Park Blackwater Leisure Centre, Park Drive, Maldon
FUL/MAL/16/01252



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 16/01252
	Date:	18/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located within the premises of the Blackwater Leisure Centre, at the north-eastern corner of the parking area. Blackwater Leisure Centre lies within the development boundary for Maldon and Heybridge and a Flood Zone 2. Access is taken off the eastern side of Park Drive.

3.1.2 Planning permission is sought for the use of three parking spaces as a car wash (use class Sui Generis). The use is already taking place, and as such the application is retrospective in nature. A converted metallic shipping container measuring 2.4m wide by 6m long by 2.6m high has been placed on one of the parking spaces to facilitate the use.

3.2 Conclusion

3.2.1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29-41 Promoting sustainable transport
- 56-68 Requiring good design
- 109-125 Conserving and enhancing the natural environment
- 196-197 Determining applications
- 216 Weight of emerging plans

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- CON5 Pollution Prevention
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise [Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990) and paragraph 196 of the NPPF].

5.1.2 The application site lies within the development boundary as defined by strategic policies of both the adopted and emerging local plans. The principle of providing a commercial use within a defined development boundary is acceptable. However, the determining factors of the application would be the impact of the development upon the character and appearance of the area, the parking and access arrangements and its effect upon neighbouring uses.

5.2 Design and Impact on the Character of the Area

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 sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.2.3 Given its external finishes, scale and lack of detailing, the container is of little architectural merit and as such is at odds with the existing built form within the

locality. Although the development is located away from entrance from Park Drive, the adjacent highway, access to Blackwater Leisure Centre is open to the public. Given that there is no screening around the container, the development is highly visible in the centre. The utilitarian and rudimentary design of the container, which is out of keeping in the context of this location, is causing detrimental and demonstrable harm upon the character and appearance of the area contrary to local and national planning policies.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The nearest residential property is located approximately 150m west of the application site, across the highway. Given the ample distance between the use and any residential units, it is not considered that the development gives rise to issues of overlooking, loss of privacy or oppressiveness in relation to the amenity of residential occupiers.
- 5.3.3 Concerns have been raised for the opening hours of the car wash. Within the application form the opening hours are stated to be 06:15 – 22:30 Monday to Friday, 07:30 – 18:00 Saturday, 07:30 – 19:00 Sunday. Although the stated opening hours are consistent with the opening hours of the leisure centre, it is considered that proposed hours are excessive and the resultant intermittent stark noises produced from the use would materially alter the soundscape of the area. Whilst there is noise produced from the apparatus and equipment used for the leisure centre, this is a constant underground noise which has been integrated with the ambient noises and forms the soundscape in the vicinity. Therefore, in order to avoid an adverse effect upon the amenities of the neighbouring occupiers, in the event of a positive determination of the application, an appropriately worded condition shall restrict the hours of operation to normal working hours in line with the permitted hours of similar uses, such as 08:00 – 18:00 Mon. – Sat. and 10:00 – 16:00 Sundays and Bank Holidays.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with a change of use. Likewise, policies T1, T2 and D1 of the submission LDP seek to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2 The application site is located within the parking area for the Blackwater Leisure Centre. The access arrangements and the internal traffic arrangements have not been altered because of the development. Nevertheless, three parking bays are occupied by the use. The leisure centre covers an area of 3815.71sq.m., which gives rise to a

requirement of 174 spaces, given that the Council's adopted parking standards require one space per 22sq.m. for this use. At the time of the site inspection, the car parking area had 148 designated parking bays, a deficit of 26 spaces compared to the required standard.

- 5.4.3 Allowing the use to be accommodated on three parking bays would increase the deficit of parking spaces to 29. However, it has to be taken into consideration that the Leisure Centre is well connected with public transport and is located within walkable and cyclable distance from the town centre. Therefore, it is not considered that the loss of three spaces is detrimental to such a degree as to warrant the refusal of the application on this basis.

5.5 Impact on the Natural Environment

- 5.5.1 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, among others, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. This national guidance has been reflected on policy D2 of the emerging Local Development Plan. In addition policy CON5 of the Replacement Local Plan is consistent with the NPPF.

- 5.5.2 It is known that car wash uses produce water contaminated by vehicle washing waters, chemical additives and steam-cleaning effluent for the disposal of which extra care shall be given. Acceptable solutions may include that any such water to be discharged to the foul sewer and only clean, uncontaminated surface water to be discharged to the surface water drainage system. Surface water susceptible to oil contamination shall be passed through an oil separator prior to being discharged to a soakaway system.

- 5.5.3 There is little information about the drainage arrangements and in the event of a positive determination of the application, appropriately worded conditions shall be considered for the surface and foul water drainage of the scheme in line with policies CON5 of the RLP and D2 of the LDP.

5.6 Other Material Planning Considerations

- 5.6.1 It has been noted that the application site lies within a flood risk zone. However, the use is not sensitive according to the PPG and the Council's Emergency Planner advised that the site does not fall within a warning zone.

5.7 Other Matters

- 5.7.1 It is noted that the application form included details of proposed advertisements. This would have been registered as a separate application, but subsequent to the submission of the application form, the request of the advertisement consent has been withdrawn. Nevertheless, there are advertisement signs on site and away from the site advertising the car wash use which need express consent from the Local Planning Authority in order to be displayed lawfully.

5.7.2 As Council is the owner of the land and the officer's recommendation is to refuse the grant of planning permission, the Council's scheme of delegation determines that the Area Planning Committee shall note the recommendation and report to the Council. However, if the Area Planning Committee is minded to grant permission for the development, this decision is delegated to them.

6. ANY RELEVANT SITE HISTORY

- **16/00092/CU** – Enforcement case – Awaiting outcome of planning application.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object - No objection to the car wash but there is no permission for the container.	The application is retrospective in nature. The planning system allows for application to be considered after the development has taken place.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection	Comment noted

7.3 Internal Consultees (*summarised*)

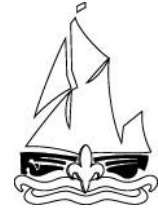
Name of Internal Consultee	Comment	Officer Response
Emergency Planner	No objection – Although within a flood zone, the site is not within a warning zone.	Comment noted
Environmental Health	No objection in principle subject to conditions relating to surface water drainage, foul water drainage and hours of operation	Comment noted, see sections 5.3 and 5.5 of the report

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No comments have been received for the application by the date of this report

8. REASON FOR REFUSAL

- 1 The stationing of the metal container by way of its scale, poor utilitarian and rudimentary design and detailing and temporary nature is considered to have a detrimental impact upon the character and appearance of the area and visual amenities contrary to adopted and saved policy BE1 of the Maldon District Replacement Local Plan, emerging policy D1 of the submitted Local Development Plan and guidance contained within the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
31 May 2017

Application Number	FUL/MAL/17/00067
Location	Millennium Wood, Park Drive, Maldon
Proposal	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.
Applicant	Mr Ian Dobney - KI Combat Limited
Agent	-
Target Decision Date	29 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

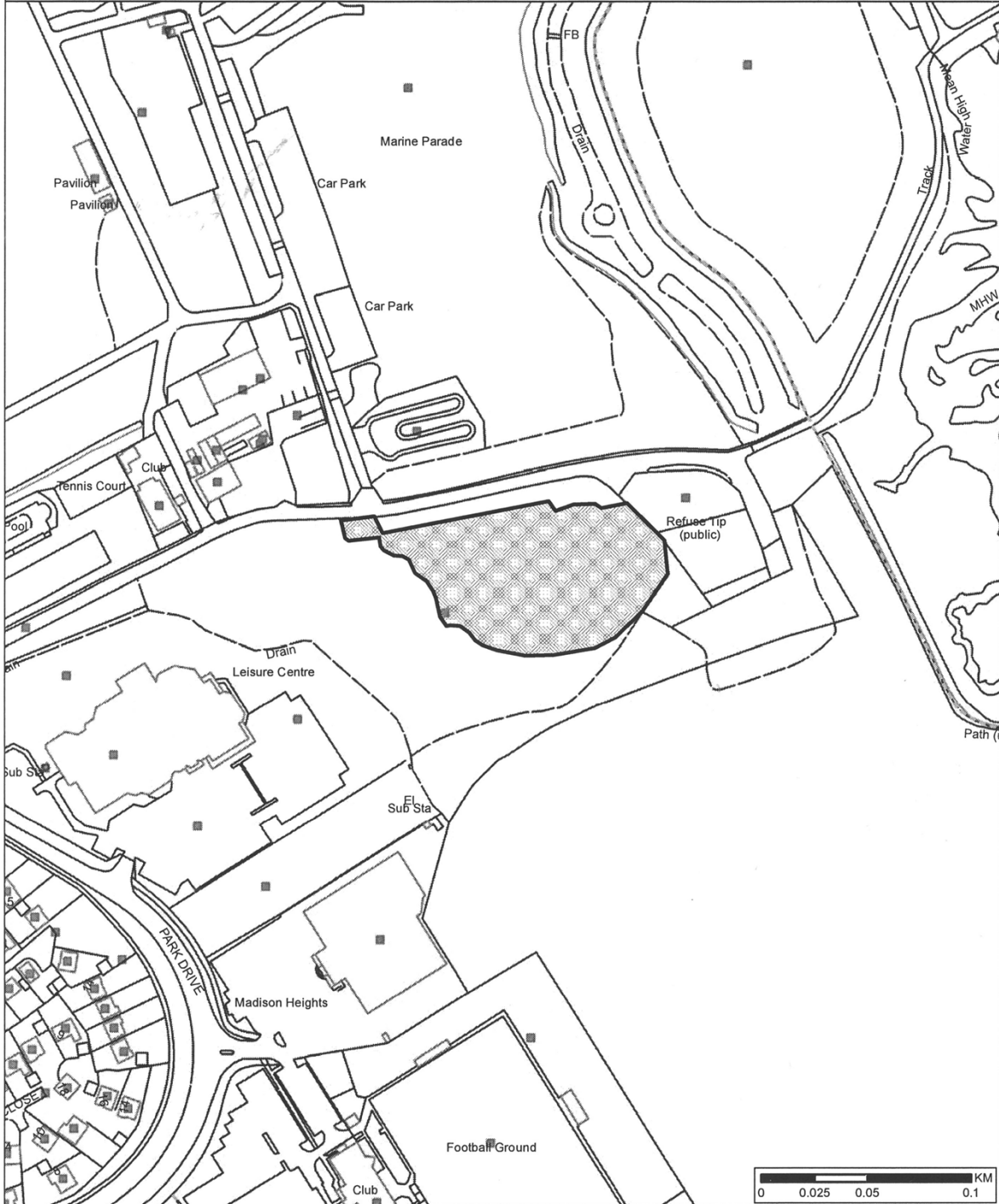
1. RECOMMENDATION


REFUSE subject to the reasons as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Millennium Wood, Park Drive, Langford
FUL/MAL/17/00067



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00067
	Date:	18/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is within the wider area of public land adjacent to the south side of Promenade Park. Immediately to the east of the site is the Council recycling centre and to the west is the Blackwater Leisure Centre. To the south of the site is open land.

3.1.2 The 0.8Ha site comprises undulating land and is heavily wooded. Informal footpaths cross the site and it is currently utilized by walkers with footpath access from the south eastern corner and from the north within Park Drive.

3.1.3 The site straddles the settlement boundary of Maldon, is fully within the Central Area Action Plan boundary and the northern section of the site adjacent to Park Drive falls within Flood Zone 3.

3.2 Planning permission is sought for the following:

- enclosure of the site with 1.8m Heras fencing covered in scaffolding safety netting.
- the siting and use of a shipping container for office and booking facility painted in combat pattern and colours,
- the container would be located 8m south of Park Drive with the existing woodland cover removed for the benefit of access to the site
- the siting of numerous moveable combat obstacles in the form of timber pallets and timber “A ”frames, old car tyres bolted together and Base Camp flag markers.
- The change of use of the site for that of the outdoor activity known as “Nerf Wars” and clearance of “scrub and some small trees”

3.3 The submission states that the site would be open as follows:

March - April

- Weekends only 8-30am – 5pm
- (School holidays 8-30am – 5pm daily)

May – June

- Week days 4pm – 8pm
- Weekends 8-30am – 8pm

July – August

- Weekdays 4pm – 8pm
- Weekends 8-30am – 8pm
- (School holidays 8-30am – 8pm daily)

September

- Weekdays 4pm – 6-30pm
- Weekends 8-30am – 6-30pm
- (School holidays 8-30am – 6-30pm daily)

October

- Weekends only 8-30am – 4pm
- (School holidays 8-30am – 4pm daily)

November – February

- Closed
- Parking for the site would be within the Promenade Park with users walking from that location and accessing the site across Park Drive.

3.4 Conclusion

- 3.4.1 The proposed development and change of use for an outdoor activity area within the Millennium Wood is considered to result in significant detrimental visual impact upon this woodland area and the wider park, would result in conflict between vehicle users of the Recycling Centre and pedestrians accessing the site from Promenade Park, would result in detrimental impact upon the ecology and biodiversity of the site. Furthermore the proposal is considered to conflict with the draft Central Area Masterplan.
- 3.4.2 No identified need or commercial requirement for the tourist facility has been submitted in support of the proposal and the submitted Environmental Impact Assessment is not considered to have adequately addressed the potential for harm to either users of the site or nearest noise receptors.
- 3.4.3 In view of the multiple concerns raised by consultees and the identified conflict with adopted and emerging policies and the guidance and provision of the National Planning Policy Framework, it has not been possible to negotiate a way forward with the applicant.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 56, 69, 70, 109 and 126

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 Development Boundaries and New Development
- S2 Development outside Defined Settlement Boundaries
- BE1 Design of New Development and Landscaping
- BE8 Lighting
- CC5 Protection of Wildlife at Risk on Development Sites
- CC6 Landscape Protection
- CC11 Coastal Zone
- CON5 Pollution Prevention
- REC7 Protection of Existing Public and Private Open Space

- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- E5 Tourism
- H4 Effective Use of Land
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Relevant Planning History

- 5.1.1 It is considered pertinent to note that the site is within an area known as Millennium Wood and is in the wider area of Promenade Park. It is part of the Maldon Millennium Way, a 22 mile walk created in 1991 in recognition of and celebration of a thousand years since the Battle of Maldon AD991. It forms part of an extension to Promenade Park and is a wildlife area consisting of woodland plantation, natural scrub and rough grassland. A mown informal pathway is maintained through the site and it is an informal recreation area.

5.2 Principle of Development

- 5.2.1 The Council acknowledges that tourism is an important part of the District's economy and will support development which contributes positively to the growth of local tourism in a sustainable manner and which realises opportunities that arise from the District's landscape, heritage and built environment. The aim of the adopted Local Plan is to provide facilities for all in sufficient quantity in the right location. The Plan's aims are to balance the demands for new facilities against the need to identify sustainable locations, protection of the countryside and promotion of environmental quality.

- 5.2.2 The proposal is for the enclosure of a section of Promenade Park for private commercial use as an outdoor activity centre known as Nerf Wars. The site is designated as Public Park within the emerging LDP.
- 5.2.3 Policy E5 of the emerging LPD supports developments which contribute positively to the growth of local tourism in a sustainable manner providing the proposal does not create a detrimental impact on the character and amenity of neighbouring uses of the surrounding area and where there is a demonstrable need for the proposal.
- 5.2.4 Whilst it is acknowledged that the development would provide a new tourism facility that is likely to be used in associated with the wider park, it is considered contrary to the policy criterion by way of its lack of sustainable transport and parking facilities, lack of demonstrated need, poor connections with other tourist destinations, detrimental impact upon green infrastructure network and demonstrable impact upon character and amenity of neighbouring uses and on the surrounding areas.
- 5.2.5 Policy E5 also requires that adverse impact on the natural environment is avoided where possible and the proposal must clearly indicate how the adverse impacts will be effectively mitigated to the satisfaction of the Council and relevant statutory agencies. This has not been demonstrated in this submission.
- 5.2.6 Other material planning considerations are discussed below.

5.3 Design and Impact on the Character of the Area

- 5.3.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with Policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the emerging LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.3.2 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.3.3 The NPPF states that:
'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'

'That 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.'
- 5.3.4 Planning permission is sought for the enclosure of 0.8Ha of the natural woodland for private commercial use for the activity known as Nerf Wars and the siting of a

shipping container and numerous “obstacles” within the woodland for its beneficial use.

- 5.3.5 The shipping container would be sited 8m south of Park Drive with the area in between cleared for pedestrian access. This naturalized woodland is considered to provide significant amenity value to the public park and is the only public woodland area in this location. In the applicants supporting evidence, it is stated that the booking office facility would be clearly visible from the main park to the north for the benefit of visitors. It would therefore be intrinsically highly visible within the public domain and the siting of a shipping container painted with camouflage patterns and colours is considered to result in a discordant and strident structure within this verdant setting.
- 5.3.6 Furthermore, the use of Heras fencing as a perimeter barrier clad in scaffold netting for the entire boundary and the stationing of wooden pallets and rubber tyres in stacks for the use of obstacles throughout the site is considered to result in significant detrimental visual impact upon the soft landscaped area. This type of boundary fencing is considered acceptable for temporary use around development sites for security and safety, but its use across steeply undulating land within a woodland setting would result in significant detrimental visual impact upon the site. In addition, whilst the application states that the “game” would be within the woodland with minimal clearance, by its very nature, the woodland floor would become compacted and worn with limited regeneration of the ecology.
- 5.3.7 Adopted policies BE1, REC1 and REC7 and emerging policies D1, N2 and E5 are clear in their aim to protect such spaces against inappropriate development and loss of public open space. Whilst it is acknowledged that the space would be for outdoor recreation, it would preclude public access and result in significant detrimental visual impact on the character and appearance of the area.

5.4 Effect on amenity of neighbouring occupiers and users of the site

- 5.4.1 The site is adjacent to the Council’s recycling centre, the public park and the Blackwater Leisure Centre. There are no directly adjacent residential occupiers and the use of the site for an outdoor activity is not considered to result in significant detrimental impact upon the users of the recycling centre or the leisure centre. Notwithstanding this, the Council’s Environmental Health Service has commented that there is a holding objection subject to a Noise Impact Assessment.
- 5.4.2 There is concern that the noise of the game equipment in the form of imitation guns will reverberate throughout the woodland and to the residential occupiers within Park Drive to the east. This is particularly relevant as the use of the site would be during evenings when background noise from both the park is quiet and the recycling centre is closed and therefore there is limited ambient noise to mask the noise generated by the equipment and people undertaking the activity on site.
- 5.4.3 There is major concern that such detrimental impact cannot be mitigated against by way of a planning condition, should permission be granted. Whilst there may be limited impact in terms of noise nuisance, it has not been possible to assess this at this time and this element must be addressed prior to any use commencing as post decision, there is limited scope by the Environmental Health Service to overcome this.

- 5.4.4 Therefore, without the relevant information in the form of an appropriate noise assessment, the Council cannot assess the presence of detrimental impact upon adjacent residential occupiers or users of the other park facilities. Furthermore, the submitted land contamination report is not considered to meet the standards of BS:10175 and therefore, further comment on this cannot be made until an appropriate assessment in accordance with UK policy and the Essex Contaminated Land Consortium's Technical Guidance has been submitted.
- 5.4.5 As such the proposal could result in potential impact on the living conditions of the nearest residential properties, impact upon adjacent park users and may impact upon the health and safety of users and workers within the site contrary to adopted policies BE1 and CON5 and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision of the NPPF.

5.5 Access, Parking and Highway Safety

- 5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that leisure use for outdoor sports requires a maximum of 1 space per 22m² of floor space. The proposal comprises no provision for parking within the application site and it is stated that the parking facility would be within the adjacent park.
- 5.5.2 Without evidence to the contrary, there is no statement to confirm that this parking facility would be available for such use or that the opening times of the park would coincide with the opening times of the site. It should also be noted that this area has not been edged red under the application and is also not in control of the applicant.
- 5.5.3 The Essex County Council highway authority has not raised an objection to the proposal. However, Essex County Council Waste Management Team, have raised serious concern for pedestrians' safety who will be required to cross the service road to the Recycling Centre for Household Waste (RCHW) to access the site. Although this would be limited to a short stretch, it should be noted that there is no pavement along this non-adopted service road, which is used by a significant number of cars and HGVs. Weekends represent peak usage times for the RCHW when it is not unusual for vehicles accessing the RCHW to queue along the access road beyond the proposed development site. The combination of queuing traffic waiting to enter the RCHW and free flowing traffic leaving the Promenade Park, together with the limited road width, presents a potential risk for pedestrians, the majority of whom will be young children, accessing the development.
- 5.5.4 Whilst it is noted that consideration is given to widening the access road to allow for a pedestrianised route to be installed, or entering the proposed development from the Blackwater Leisure Centre site, thereby removing the need for pedestrians to use the service road this does not form any part of the current proposal and the safety of users is not considered to be overcome by way of a planning condition should permission be granted.
- 5.5.5 Therefore, as the proposal does not comprise formal parking arrangements, safe pedestrian access and egress; safe access, egress or facility for cycling and prohibits social inclusion and accessibility, the proposal is considered to contrary to the criteria of adopted LP policy T1 and T2 and emerging policy T1 of the submitted LDP.

5.6 Landscaping, Ecology and Tree Protection

- 5.6.1 As the proposal comprises development and change of use within a wooded landscape, the Council's Coast and Countryside Officer and Tree Officer have been consulted. The submission has been supported by way of Biodiversity and Ecology Report and Arboricultural Report.
- 5.6.2 At the time of writing only a response from the Coast and Countryside Officer has been received.
- 5.6.3 The response raises serious concerns and an objection to the proposal. It is stated that the proposal would enclose a greenspace designated within the existing LP and emerging LDP. It represents one of the few areas of semi-natural habitat within the park. The Ecology Report recognises that the scrub could provide habitat for nesting birds and may also hide badger setts. It is not clear how many users are proposed and due to its use almost continually in daylight hours in summer months, it is considered that detrimental impact upon the ecology of the site would result.
- 5.6.4 Furthermore, features such as this woodland within designated parks and open space should be conserved and enhanced not excluded from public use. Current users of the space will have their own experience seriously restricted or reduced.
- 5.6.5 Proposed LDF Policy N2 - Natural Environment, Geodiversity and Biodiversity states: *'All development should seek to deliver net biodiversity and geodiversity gain...'*
- 5.6.6 In addition, Proposed LDF, Policy N1 - Green Infrastructure Network, identifies that *'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'*. In the judgement of the Council's Coast and Countryside Officer this proposals will cause degradation and fragmentation of Promenade Park, Maldon's flagship greenspace and a vital part of the Green Infrastructure network.
- 5.6.7 The proposed site also adjoins the main part of the park that is recognised as an Historic Park and Garden and seeks to use the Park for parking. The proposal will be used almost continuously throughout the day in summer, generating potentially large amounts of additional vehicles. It is not clear how many users on the site at any one time. Large parts of the Historic Park and Garden are already degraded by intensive summer car-parking for users of the park and this will add to the degradation. The fencing proposed is utilitarian Heras fencing which is usually used as security fencing around development sites on a temporary basis, and is not appropriate for use as permanent fencing in a parkland setting in the middle of Maldon. The use of a container for sales of tickets etc. is also not in keeping with this flagship green space in Maldon. Promenade Park is the premier designed publically accessible greenspace in Maldon District.
- 5.6.8 Proposed LDF Policy D1 Design quality and Built Environment identifies that: 'All development must:
1) *Respect and enhance the character and local context and make a positive contribution...*
3) *Contribute positively towards the public realm and public spaces...*

4) Protect the amenity of surrounding areas...

- 5.6.9 Any response from the Council's Tree Officer will be made available by way of the Members Update
- 5.6.10 The proposal is considered contrary policies BE1, REC1, REC7, CC5 and CC6 of the adopted LP and emerging policies D1, N1, N2 and N3 and the guidance and provision as contained within the NPPF.

5.7 Flood Risk Assessment

- 5.7.1 As the northern section of the site falls within Flood Zone 3, as defined by the Environment Agency, the submission has been supported by way of a Flood Risk Assessment. There is no objection to the proposal, subject to the Council applying the Sequential Test as required by national policy in the form of the NPPF.
- 5.7.2 Subject to an appropriate condition for an Emergency Flood Plan to be displayed within the office container at all times, the proposal is considered to be acceptable in terms of flood risk.

5.8 Other Considerations

- 5.8.1 Numerous Letters of Representation have been submitted in objection to the proposal and include letters from local community groups including the Friends of Prom Park and The Maldon Society. The key issues are considered to be the loss of woodland, the privatisation of the current open access area, impact upon ecology and the integral nature and benefit to the main parkland and loss of amenity for public users. These issues are considered to have been adequately addressed within previous sections of this report.
- 5.8.2 The Council's Senior Urban Design Officer has objected to the proposal and commented on its impact and conflict upon the objectives and projects within the Maldon and Heybridge Central Area Masterplan. There are already conflicts with traffic and parking management within the park that Project 16 of the draft Masterplan is required to manage. This is especially apparent in the vicinity of the application site where cars exiting the park and accessing the recycling centre and yacht club cause traffic congestion.
- 5.8.3 The detrimental visual impact of the proposal does not sit well in the context of what the draft Masterplan strives to achieve in the Leisure Quarter and to support the success of the Central Areas as a whole in terms of movement and connectivity and the cultural significance of the part and its environs

6. ANY RELEVANT SITE HISTORY

- **None relevant to this application**

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object	The comments of the Parish Council are noted

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection.	The comments of the Service are noted
ECC Waste and Recycling	Object Impact and conflict between site and road users to the RCHW	The comments of the Service are noted
Environment Agency	No Objection Subject to appropriate Flood Protection Plan	The comments of the Service are noted

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	Holding Objection, subject to submission of appropriate Environmental Impact Assessment and Noise Impact Assessment	The comments of the Environmental Health Service are noted
Senior Urban Design Officer	Object Detrimental impact upon the Central Area Action Plan and contrary to policy S5	The comments of the Senior Urban Design Officer are noted
Coast and Countryside Officer	Object Detrimental impact upon ecology and biodiversity contrary to adopted and emerging policies	The comments of the Coast and Countryside Officer are noted
Tree Officer	No response received	Any comments received will be updated by way of the Members Update

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- Friends Of The Prom, C/O Robert Wyness, 112 Mill Road Maldon Essex CM9 5JA

- Maldon Society, C/o Judith Lea, 12 The Courtyard Spital Road Maldon Essex CM9 6DX
- Ms. S Bates, 22 London Road Maldon Essex CM9 6HD
- Ms. L Beasley, 18 Acacia Drive Maldon Essex CM9 6AP
- Ms. A Brannigan, 17 Cross Road Maldon Essex CM9 5EE
- Mrs. Craig, 110 Mill Road Maldon Essex CM9 5JA
- Mrs. Joanna Doyle, 2 Minster Way Maldon Essex CM9 6YT
- Ms. Laura Epps, 51A Mill Road Maldon Essex CM9 5HY
- S Gilmore, Kestrels Cottage Lodge Road Woodham Mortimer Essex CM9 6SJ
- Mrs. Kathy Goff, 180 Fambridge Road Maldon Essex CM9 6BH
- Mrs. Sarah Green, 24 Mirosa Reach Maldon Essex CM9 6XS
- Miss. Julia Lawrence, 3 D'Arcy Avenue Maldon Essex CM9 5JL
- R Murphy & Family, 4 Bower Gardens Maldon Essex CM9 6HJ
- Ms. Sue Pepper, The Old Manse Manse Chase Maldon Essex CM9 5EA
- Mrs. Josephine Phillips, 47 Spital Road Maldon Essex CM9 6DZ
- Ms. Sarah Simmons, 4 St Giles Close Maldon Essex CM9 6HU
- Mr. C Swain, 4 Mermaid Way Maldon Essex CM9 5LA
- Ms. V Williams, 36 Redshank Drive Heybridge Maldon Essex CM9 4UE
- Miss. Michele Williams, Barge End Cottage 30 The Hythe Maldon Essex CM9 5HN
- Elizabeth & Eric Willsher, 39 Wantz Road Maldon Essex CM9 5DB
- Mr. Simon Wood, 46 Freshwater Crescent Heybridge Maldon Essex CM9 4PA

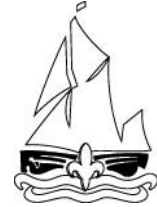
Objection Comment	Officer Response
<p>Millennium Wood is a valuable asset. Rare to find a wood within a town. Should be safeguarded as natural habitat for all to enjoy. Should not be treated as an extension of recreation ground Totally unsuitable location and destructive of woodland environment. Shipping container gives impression of transit camp. Against spirit of central area action plan. Park at risk of overdevelopment. No further commercialisation of the park. Spoil pleasure for many. Will be expensive and therefore inaccessible for all. Think of majority not the minority. Detrimental impact upon habitat location. Encourages use of guns in the young. Designated wood at risk for sake of small income. Gateway to sea wall and marshes. Already numerous offerings in the park. What happens if it fails?</p>	<p>The comments have been noted and addressed within the report</p>

Objection Comment	Officer Response
Shipping container is an eyesore. Noise and disruption for all. Impact upon dog walkers. Noise impact well beyond the fence. Loss of peaceful area of park. Many species of birds including migrant birds and important feeding and refuge area. Millennium Wood named after a unique event never to be repeated. Contrary to local and national policies.	

8. REASONS FOR REFUSAL

1. The proposed development would result in significant detrimental impact upon the character and appearance of the site by way of visual intrusion including choice of boundary treatment, choice of materials within the site, level of built form and loss of public open amenity space contrary to adopted policies BE1, CC6 and REC7 emerging policies D1 and E5 of the submitted Local Development Plan and the guidance and provision of the National Planning Policy Framework.
2. It has not been demonstrated that the proposal would not result in material harm or detrimental impact upon the enjoyment and safety of adjacent neighbouring occupiers or users and workers within the site contrary to policies BE1, CON5 and CON6 of the adopted Maldon District Replacement Local Plan and emerging policies D1 and D2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.
3. Policy E5 of the Local Development Plan supports development for new tourist facilities providing it is demonstrated that there is an identified need for the proposal, there is good connectivity with other tourist sites and green infrastructure networks, there is no significant detrimental impact on the character and amenity of neighbouring uses or the surrounding area and any impact on the natural environment is avoided. The proposal fails to meet these policy criterion and is therefore, contrary to Policy E5 of the Local Development Plan as well as provision as contained within the National Planning Policy Framework.
4. The Ecological Scoping Survey reference 0259.0001 Rev 0 has not fully demonstrated that there will be no detrimental effect on the ecology and biodiversity of the site contrary to adopted policies BE1, CC5 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policies D1, E5, N1 and N2 of the submitted Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.

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**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017

Application Number	HOUSE/MAL/17/00183
Location	32 Ridgeway Maldon
Proposal	Single storey rear extension, loft conversion & garage
Applicant	Mr Allan Taylor - Blue Door Solutions Ltd
Agent	Mr & Mrs M Chapman
Target Decision Date	17.04.2017 EOT 01.06.2017
Case Officer	Hannah Bowles
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

32 Ridgeway, Maldon
HOUSE/MAL/17/00183



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:750
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00183
	Date:	18/05/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the northeast of Ridgeway within the settlement boundary of Maldon. The site currently comprises a two storey semi-detached property. The streetscene is made up of semi-detached properties of a similar size and design.
- 3.1.2 Planning permission is sought for a single storey single storey rear extension, loft conversion and rear dormer window and an attached garage.
- 3.1.3 The rear extension would measure 4.6m wide, 3m deep, 2.6m to the eaves and 3.5m to the ridge. The additional space would accommodate a dining room.
- 3.1.4 The proposed garage would measure 5.5m wide, 2.5m deep, 2.3m to the eaves and 3.2m to the ridge.
- 3.1.5 The loft conversion would include the construction of a dormer window which would measure 4.3m wide, 4.1m deep and 2.3m to the top of the flat roof. The space would accommodate an additional bedroom and en-suite.
- 3.1.6 It should be noted that the loft conversion, dormer window and rear extension could be constructed under permitted development rights and a Lawful Development Certificate (LDP/MAL/17/00079) approved 27/03/2017 confirmed this.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale and design would not harm the appearance or character of the dwelling and the locality or have an overbearing impact on the amenity of the neighbouring residents. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies BE1, BE6 and T8 of the Replacement Local Plan (RLP) and T2, D1 and H4 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 National Planning Policy Framework 2012 including paragraphs:

- 56
- 58
- 59

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of New Development and Landscaping.
- BE6 – Extensions to dwellings

- T8 - Vehicle Parking Standards.

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment.

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the emerging LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The design of the proposed rear extension is of no architectural merit nonetheless its appearance is typical of a residential development. In terms of its proportions, namely its size, bulk and appearance, it is considered that the proposal would be acceptable in relation to the main dwelling. The proposed extension would be located to the rear of the property where limited views are available from public vistas and as such it would have limited impact on the streetscene. Additionally, the proposed materials would match the existing dwelling. Furthermore, this element could be constructed under permitted development rights.
- 5.2.3 The proposed garage would be located to the side of the existing dwelling, set back from the principle elevation of the dwelling by around 5.8m and would extend back to end of the proposed rear extension. In terms of proportions, namely the scale and bulk of the proposed garage, it is not considered to form a dominant or overbearing addition. Given the siting of the proposed garage, it would be visible from within the public realm. However, considering its scale and bulk and that the design is similar to existing garages within the vicinity of site, it is not considered to form an incongruous addition to the streetscene.
- 5.2.4 The proposed dormer window is considered to be of a limited architectural merit and a large addition to the roof slope of the host dwelling. It does not reference the

original style or design of the host dwelling and is considered to form a dominant and incongruous addition. Notwithstanding this, the dormer window could be constructed under permitted development rights. Therefore, taking into account the fall-back position, this element of the proposal is considered acceptable.

- 5.2.5 It is considered that the proposal, by means of its style and design, including its scale, siting and materials, is considered acceptable in its setting in compliance with saved policies BE1 and BE6 of the RLP, policy D1 of the submission LDP and guidance contained within the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 Planning Permission is sought for a single storey rear extension, loft conversion including rear dormer window and an attached garage. The application site is located within a residential setting surrounded by dwellings.
- 5.3.3 Given the size, siting and single storey nature of the proposed rear extension it is not considered that it would give rise to overlooking, loss of light or form an overbearing addition, to the detriment of the neighbouring occupiers. Furthermore, the proposed rear extension could be constructed under permitted development rights.
- 5.3.4 The proposed rear dormer window would overlook the rear amenity space of the host dwelling and would have views into the private amenity space of the property to the rear of the host dwelling. Although concerns have been raised with regards to overlooking, given the existing views from the windows within the rear elevation of the host dwelling it is not considered that the proposed dormer would exacerbate the issue to such a level as to result in a demonstrable impact on the occupiers of this dwelling. Furthermore, as mentioned above the proposed dormer window could be constructed under permitted development rights.
- 5.3.5 The proposed garage, given its scale, siting and single storey nature is not considered to form a dominant or overbearing addition, to the detriment of the neighbouring occupiers. Given that there are no proposed windows within the garage, no concerns are raised in relation to overlooking. Furthermore, the closet neighbouring dwelling to the proposed garage has no ground floor windows within the side elevation and given the distance of around 2.5m between the proposed garage and neighbouring dwelling it is not considered that the garage would result in a loss of light to the detriment of this neighbouring occupier.
- 5.3.6 Therefore, the proposed development is not considered to result in a demonstrable impact on the amenities of neighbouring occupiers, in accordance with the stipulations of BE6 of the RLP and D1 of the emerging LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Adopted Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.
- 5.4.2 The adopted Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that the resulting four bedroom dwelling should provide space to park three vehicles.
- 5.4.3 There is currently a tarmacked area to the side of the dwelling that is considered to provide space to park two vehicles, there is also a gravelled area to the front of the dwelling that is shown as within the ownership of applicants. However, given that access over this area is required by other vehicles, it is considered that this space could provide one functional car parking space.
- 5.4.4 The proposed garage would be located on the tarmacked area to the side of the dwelling and it has been specified that the garage would accommodate space to park a motorcycle; therefore, it is considered that the tarmacked area still provides space to park two vehicles. The gravelled area to the front of the dwelling would not be affected by the proposal. Therefore, there is no objection to the proposal in relation to the provision of vehicle parking provision.
- 5.4.5 It should be noted that concerns have been raised with regards to the amount of space the garage would leave for the neighbour's adjoining driveway. The neighbour's driveway has been measured and it accords with the Maldon District Vehicle Parking Standards recommended size for a car parking space.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or four bedrooms is 100m².
- 5.5.2 The private amenity space on the site as existing is below the recommended standard at around 82.2sq m. The proposed rear extension would decrease the private amenity space to around 68.4sq m. Given that the rear extension could be constructed under permitted development rights, it would be unreasonable to refuse the application based on rear amenity space.

6. ANY RELEVANT SITE HISTORY

- **LDP/MAL/16/01144** - Claim for lawful development certificate for proposed single storey rear extension, loft conversion and detached garage. Refused – 20.12.2016.
- **LDP/MAL/17/00079** - Claim for lawful development certificate for proposed single storey rear extension & loft conversion. Approve – 27.03.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend approval.	Noted.

7.2 Representations received from Interested Parties

7.2.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- List of names and addresses x 4

Objection Comment	Officer Response
The rear windows of the proposed dormer will have a clear view straight into my bathroom and the surrounding gardens.	Addressed within paragraph 5.3 of the Officers report.
The dormer window is not going to be pleasant to look at and it is not in keeping with the rest of the area.	Addressed within paragraph 5.2 of the Officers report.
Concerned about the disruption, noise and mess the development may cause as it is a small cul-de-sac.	The disruption that the proposed works would cause during the building process is not a material planning consideration.
Concerned about the plans for a garage; it's a shared side drive and it is already very tight on space. It is not acceptable for a garage to go here as cars struggle to fit side by side down there at the moment.	Addressed within paragraph 5.4 of the Officers report.
The rear extension and loft conversion will affect the level of light in my garden.	Addressed within section 5.3 of the Officers report.
A three storey building would be out of keeping within the streetscene.	Addressed within section 5.2 of the Officers report.

8. PROPOSED CONDITIONS

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: Location Plan, Block Plan, Front Elevation received 20.02.2017 and Rear Elevation received 20.02.2017.
REASON: In order to ensure that the development is carried out in accordance with the approved details.

- 3 The external surfaces of the extension hereby approved shall be constructed of materials and of a finish to match the existing dwelling.
REASON: To protect the amenity and character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan.



**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017**

Application Number	FUL/MAL/17/00216
Location	Topsail Charters Limited Cooks Boatyard The Hythe Maldon
Proposal	Change of use of existing lease to allow the following for three years:- <ul style="list-style-type: none"> • For mooring of historic barge on camp shed as public tearoom and daytime meeting room • Evening use as an Arts Venue • Erection of safety stanchions and link chain along riverside of path
Applicant	Ms Stephanie Valentine
Agent	N/A
Target Decision Date	20 April 2017
Case Officer	Yee Cheung
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

1. RECOMMENDATION

To the Council:

REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

3. SUMMARY

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

- 3.1.1 The application site relates to an existing barge mooring located at Cooks Boatyard along The Hythe in Maldon. The application site relates directly to the barge moorings although Cooks Boatyard also encompasses a workshop and storage yard.
- 3.1.2 The site is located outside of the development boundary for Maldon, and within the Maldon Conservation Area as well as the designated Coastal Zone as contained in the adopted Local Plan. The application site is also located within a designated Site of Special Scientific Interest (SSSI).
- 3.1.3 To the immediate north west of the application site is the River Bailiff's Hut with further moorings beyond along the quayside. To the immediate south is the Cooks Yard workshop also leased by the Applicant and to the south east of the application site is the promenade park and associated leisure uses.
- 3.1.4 Cooks Boatyard is leased by the Applicant from the Council and planning permission is sought for change of use of existing lease to allow for mooring of historic barge on camp shed as public tearoom and daytime meeting room. The proposal also includes occasional evening use as an Arts Venue as well as the erection of safety stanchions and a link chain along the riverside of the quay adjacent to the mooring. It should be noted that the lease from the Council to the applicant is not a planning consideration.
- 3.1.5 It is proposed that the tearoom (Class A3 Use) would open seven days a week from 10:00 – 17:00 hours. The evening use as an Arts Venue would also potentially operate up to seven days a week from 19:00 – 23:30 hours.
- 3.1.6 The application states that the business operating from Cooks Boatyard is Topsail Charters who have purchased a historic Thames Barge known as 'Resourceful' which would be used to house the proposed tearoom and venue. Whilst the barge would primarily be moored on the camp shed berth alongside the path 'Resourceful' may have to be moved occasionally to allow another barge to use that berth for repair work if and when necessary. The barge was built in 1931 and is registered with National Historic Ships. 'Resourceful' is sister ship to the Maldon based 'Reminder'. The application goes on to state that the continued upkeep of the historic barge fleet operated by Topsail Charters has become increasingly challenging and the proposed tearoom is the first stage of a longer term plan to develop the site at Cooks Yard into an enhanced visitor experience and to provide extra income for the yard as well as towards the ongoing restoration work of other vessels owned by Topsail Charters.
- 3.1.7 The previous planning application was presented to Members at the Central Area Planning Committee on 14 December 2016 and the application was recommended refusal for the following reasons (Minute No. 812 refers):

1 The application site is located within Flood Zone 3b defined by the National Planning Practice Guidance as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per the National Planning Practice Guidance table 2 'Flood Risk vulnerability Classification' is 'less

vulnerable' which is considered an in appropriate development in flood zone 3b. The proposed development is therefore detrimental to the safety of future users of the site contrary to the guidance and advice contained within the National Planning Policy Framework, the National Planning Practice Guide as well as policy D5 of the submitted Maldon District Local Development Plan.

- 2 *The application site is located within the Maldon Conservation Area and Cooks Boatyard currently makes a positive contribution to the special character of the Conservation Area as well as the wider waterside location. Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area and the working waterside character of the locality. The development would be contrary to The National Planning Policy Framework, policies BE1, BE13 and CC12 of the adopted Maldon District Replacement Local Plan and policies D1 and D3 of the submitted Maldon District Local Development Plan.*
- 3 *The application site is in close proximity to residential dwellings in St Mary's Lane and The Hythe and insufficient information has been submitted to demonstrate that the proposed development would operate without resulting in material harm to the amenity of neighbouring occupiers through noise and disturbance. The proposed development would therefore be contrary to The National Planning Policy Framework, policies BE1 and CON5 of the adopted Maldon District Replacement Local Plan and policy D1 of the submitted Maldon District Local Development Plan.*
- 4 *The proposed development, if allowed, would prejudice the outcome of the Maldon and Heybridge Central Area, contrary to policy S5 of the Maldon District Local Development Plan which seeks to promote regeneration of visitor attractions and facilities through a master planning approach.*

3.1.8 The elected Members agreed with the officer's recommendation, but as the planning application is on Council's owned land, the application had to be presented at the Planning and Licensing Committee. However, this planning application was withdrawn from that agenda hence the resubmission of the application to address the reasons for refusal.

3.2 Conclusion

3.2.1 The proposed development is considered a 'less vulnerable' use as detailed within the National Planning Practice Guide (NPPG) which is considered to be inappropriate within flood zone 3b which is defined as the functional floodplain. As such the proposed development would be contrary to the guidance and advice contained within the National Planning Policy Framework (NPPF) as well as the NPPG, and policy D5 of the Maldon District Local Development Plan (LDP).

3.2.2 Whilst no objection is raised to the visual impact of the barge the proposed use of the barge as a tearoom and arts venue at the application site would fail to preserve or enhance the working waterside character of the locality which forms a part of the special character of the Maldon Conservation Area. The proposal would therefore fail to accord with policies BE1, BE13 and CC12 of the adopted local plan, policies D1 and D3 of the LDP and Government advice contained within the NPPF.

- 3.2.3 It is acknowledged that the application has potential positive impacts which weigh in its favour, such as the potential for job creation and an enhanced tourism offer. However, in this instance the development is not acceptable in principle due to flood risk and the material harm that the development would cause, as summarised above, would not be outweighed by any potential benefits of the development.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 14, 17, 58, 100, 126

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S2 – Development Outside Settlement Boundaries
- BE1 – Design of New Development and Landscaping
- BE13 – Development in Conservation Areas
- CON5 – Pollution Prevention
- CC2 – Development Affecting a Nationally Designated Nature Conservation Site
- CC6 – Landscape Protection
- CC11 – The Coastal Zone
- CC12 – Maldon Waterside Area
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments

4.3 Maldon District Local Development Plan

- 4.3.1 The Maldon District Local Development Plan has completed the Submission Examination stage. The January 2017 Examination was in respect to matters not Examined at the first Examination, and matters that arose from the Main Modifications Consultation in September 2016.
- 4.3.2 Post-Examination Modifications were published for public consultation in March 2017 and the consultation ended on 28th April 2017. A total of 43 responses were received, which have been sent to the Inspector for his consideration in his Report. His Report is due to be submitted to the Secretary of State in Spring / Summer 2017 and the Council aims to have the Plan adopted in the early Autumn 2017.
- 4.3.3 There remains a risk that the Inspector considers that further Examination is needed if the responses to the Post-Examination modifications raise new matters (as a consequence of the modifications) which have not previously been examined. However, the Post-Examination modifications, when read concurrently with the Main Modification and Additional Modifications consulted on in September 2016, only relate to matters which have been considered at the Examinations in 2015 and January 2017. Therefore, it was a focussed consultation and no new matters previously not examined or matters already examined will be considered by the Inspector.

4.3.4 At this time it is considered that the Plan is at an advanced stage and can be afforded significant weight.

4.3.5 The following policies that are relevant to this planning applications are:-

- S1 - Sustainable Development
- S5 – Maldon and Heybridge Central Area
- D1 - Design Quality and Built Environment
- D3 – Conservation and Heritage Assets
- D5 – Flood Risk and Coastal Management
- E5 – Tourism
- N2 – Natural Environment and Biodiversity
- T2 - Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Policy E5 of the Local Development Plan states that the Council supports the development of the tourism industry, particularly in relation to the ensuring the vitality of towns and supporting of the rural economy. Planning permission seeks the change of use of existing lease to allow for mooring of historic barge on camp shed as public tearoom and daytime meeting room for three years. The proposal would also include evening use as an Arts Venue; and the erection of safety stanchions and link chain along riverside of path.

5.1.2 As the proposal would create an educational and recreational attraction to the benefit of local businesses, communities and visitors, the principle of the proposal is therefore considered acceptable subject to other material considerations which are discussed below.

5.2 Design, Impact on the Character and Appearance of the Area and Maldon Conservation Area

5.2.1 The NPPF advises on good design and in paragraph 56 states that:

‘The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people...’

5.2.2 Such design principles are dealt with by local plan policy BE1 which seeks to ensure that new development is compatible with its surroundings in terms of design, scale, layout, appearance and architectural style, and make a positive contribution to the

landscape and open countryside. It should be noted that design is not just about how buildings will appear visually but also how buildings function and relate to their surroundings, with regard to sustainable development. Submitted LDP policy D1 deals with design quality and the built environment and is applicable to the consideration of this application.

- 5.2.3 Furthermore the core planning principle of the NPPF includes recognition of the intrinsic character and beauty of the countryside. Paragraph 109 of the NPPF advises that valued landscapes should be enhanced and protected. Policies CC6 and CC11 of the adopted Local Plan are also relevant to the consideration of this application and seek to ensure that no harm is caused to the coastal landscape character of the locality of the application site.
- 5.2.4 The application site is also located within the Maldon Conservation Area. Conservation Areas are ‘Areas of Special Architectural or Historic Interest, the character or appearance of which is desirable to preserve or enhance’ (Planning (Listed Buildings and Conservation Areas) Act 1990). Any new development therefore has to be assessed against Local Plan Policy BE13 as well as Policy D3 of the Local Development Plan and the guidance contained within the NPPF to ensure that it would preserve or enhance the character or appearance of the Maldon Conservation Area.
- 5.2.5 In terms of actual design and coastal landscape impact the development is considered acceptable as the barge ‘Resourceful’ which would be moored at the application site, is a historic boat in its own right and would appear visually in keeping with the site and the Maldon Conservation Area. Furthermore, the Applicant has revised the development proposal and this would be now for a temporary period of three years and as such, no objection has been raised by the Conservation Officer as the use would be of a temporary nature.
- 5.2.6 Whilst temporary planning permission is sought, the Urban Design Officer has raised concerns that the development would have an impact on the character and appearance of the working boatyard. It was further advised that the positive contribution which Cooks Boatyard makes to special character of the Maldon Conservation Area derives not so much from the appearance of the boats and buildings than from its active use as a boat repair yard. There is a legitimate concern that running a tearoom off a boat in one of the berths (which are meant for boats undergoing repair) could put Cooks long-term function as a boat repair yard under threat which would dilute its historic role and identity.
- 5.2.7 Policy CC12 of the adopted local deals with the Maldon Waterside Area which the application site lies within. This policy states that development will only be permitted if the following criteria are met:
- a) it consolidates or introduces a use which is beneficial to retaining the working waterside character of the area, and
 - b) it enhances the waterside character of the area.
- 5.2.8 The preamble to this policy states that the southern bank of the Blackwater at Maldon waterfront derives its character from the combination of the variety of traditional water-orientated land uses. It is important that any development that is permitted in

this area seeks to retain this character. The installation of a tearoom on a part of the river front which has historically been reserved for boat repair threatens to undermine this objective.

- 5.2.9 It is considered that whilst no objection is raised to the visual impact of the barge, the proposed use of the barge as a tearoom and Arts Venue at the application site would fail to preserve or enhance the working waterside character of the area and special character of the Maldon Conservation Area, contrary to policies BE1, BE13 and CC12 of the adopted Local Plan, policies D1 and D3 of the Local Development Plan, and the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the adopted Local Plan states that new development will be permitted if they are compatible with their surroundings, and/or improve the surrounding location in terms of the effect on the safety and or amenity of neighbouring properties or the occupiers therein. This policy is also reflected in policy D1 of the Local Development Plan (LDP) which deals with Design Quality and Built Environment and considers similar residential amenity considerations.
- 5.3.2 The nearest neighbouring dwellings to the application site are located in St Mary's Lane and The Hythe with the nearest dwellings positioned approximately 55 metres from the application site. In the previous planning application FUL/MAL16/00872, the Environmental Health Services had raised concerns with the application, as the neighbouring residential dwellings will be vulnerable to exposure from noise arising from the proposed Arts Venue uses. In this revised scheme, the Environmental Health Services has removed their objection as it is now understood that whilst permission is sought for evening use of the venue seven days a week until 23.30, this is to open up the availability for potential bookings. It is anticipated that on average evening use will be once per week. A planning condition could therefore be imposed to limit the Arts Venue should the application be approved. Based on the above, the proposal would accord with policy BE1 of the adopted local plan, policy D1 of the Local Development Plan, and Government advice contained within the NPPF.
- 5.3.3 The Environmental Health Services has provided no comments regarding black and grey water, lighting, safety access / emergency exit or alcohol licencing.

5.4 Access, Parking and Highway Safety

- 5.4.1 The existing vehicular access point to the site would not be altered and as such no objection is raised to the development on access or highway safety grounds.
- 5.4.2 In addition, Essex County Highways has raised no objection to the proposal. Whilst the application does not propose any off road parking for visitors the site is located in close proximity to the town centre and a number of public car parks. No objection is raised to the proposed in terms of access, parking or highway safety and the proposal would accord with policy T2 adopted local plan and policy T2 of the Local Development Plan.

5.5 Flood Risk

5.5.1 The application is located within Flood Zone 3b defined by the NPPG 'Flood Risk and Coastal Change' as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. In the previous planning application FUL/MAL/16/00872, it is noted that the Environment Agency's (EA) initial consultation response raised an objection to the development on flood risk grounds and had advised that '*at present the vulnerability of this development is unclear as it is not specified in table 2 of the PPG. Where there is uncertainty we require LPAs to confirm the vulnerability class of the application.*'

5.5.2 Following receipt of this initial consultation response the EA was advised by Officers that the vulnerability of the development is considered to be 'less vulnerable' as per table 2 of the NPPG. In taking this view, Officers have had regard to the display of the historic barge however this is incidental to the main use which would be as a tearoom and/or public assembly use which fits with the 'less vulnerable' uses within table 2 of the NPPG. The EA had advised at that time that if the development is considered as 'less vulnerable' then they would object in principle to this application.

5.5.3 The Environment Agency has been re-consulted regarding this revised application and in light of the above classification, has objected to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. The Environment Agency has not received any further information since 23 November 2016 with regards to the vulnerability classification and therefore recommended that the application is refused planning permission on this basis.

5.5.4 As the vulnerability of the proposed development per NPPG table 2 is less vulnerable the proposal is considered an inappropriate development in flood zone 3b as per table 3 of the NPPG. A development of this vulnerability should therefore not be allowed within such a high risk flood site. The only development considered acceptable within flood zone 3b within the NPPG is:

'Essential infrastructure that has to be there and has passed the Exception Test, and water-compatible uses' these should then be designed and constructed to:

- *remain operational and safe for users in times of flood;*
- *result in no net loss of floodplain storage;*
- *not impede water flows and not increase flood risk elsewhere.'*

5.5.5 In the light of the above assessment the proposed development would be contrary to the guidance and advice contained within the NPPF as well as the NPPG, and policy D5 of the Maldon District Local Development Plan.

5.5.6 The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the tidal Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outlined and within Maldon District Council's Strategic Flood Risk Assessment.

- 5.5.7 The proposed development is classified as ‘less vulnerable’ in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.
- 5.5.8 The Emergency Planner was consulted and it was advised that the information contained within the submitted Flood Risk Assessment is appropriate to form an informed Flood Warning and Evacuation Plan in the event of a tidal surge.

5.6 Other Material Considerations

- 5.6.1 It is important to note that Hythe Quay (and the application site) is within the Maldon and Heybridge Central Area (MHCA) which is made up of Maldon Central based on the retail function of the High Street; the Causeway Regeneration Area which is the largest employment area in the district and the Leisure Quarter which focuses on the tourism offer and the attraction of Hythe Quay and Promenade Park. The application site is located within the Leisure Quarter as defined by Policy S5 of the Local Development Plan (LDP).
- 5.6.2 The aim of Policy S5 of the LDP is that the Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities and 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.
- 5.6.3 Policy S5 states that ‘development and regeneration will take place in accordance with a masterplan endorsed by the Council’. To date the masterplan has been informed by a number of stakeholder workshops and public engagement. The masterplan is a requirement of Policy S5, LDP and is a key delivery tool for development to come forward. The draft Masterplan and Action Plan has since been out for public consultation (20 March 2017 - 28 April 2017). The result from this public consultation will be presented to the Planning and Licencing Committee in July 2017 for endorsement.
- 5.6.4 The masterplan is responding to stakeholder engagement and key opportunities identified to transform Hythe Quay including:
- Environmental Enhancements;
 - New moorings extended along the Bath Wall;
 - Seasonal / traditional Food Market;
 - Events programme;
 - Improved Links with Promenade Park and the entire waterside from Fullbridge to Northey Island;
 - Conversion and re-use of redundant buildings.
- 5.6.5 Concerns have been raised by the Urban Design Officer that the application seeks approval of an isolated proposal for a use that does not integrate with the whole offer that Hythe Quay presents in the masterplan. The Urban Design Officer also considers that the proposal could also impact on the existing offer that existing businesses provide in the vicinity and compromise the education, skills and training requirements

set out in the Maldon District Economic Prosperity Strategy with a particular focus on maritime skills.

- 5.6.6 What is drawn out from the stakeholder engagement and public consultation is the depth of opinion regarding the functional and practical requirements of a working river, quay and boat yard and most importantly the need for a boat repair yard for the Thames Sailing Barges. Cook's Boatyard underpins the character of a working quayside and boat repair yard within a working landside and riverside environment with a strong and rich historic maritime character and exceptional natural environment.
- 5.6.7 Cook's Boatyard facilities should be retained for its original purpose for:
- traditional boatbuilding skills including wood working, blacksmithing, sail making and rigging;
 - fostering public awareness of the traditional skills as part of a living tradition – the sail dressing / painting the sails is an important public event on the quayside directly related to the maintenance of Thames Sailing Barges;
 - supporting a new generation of craftsmen to adopt the skills needed to maintain and retain all of the Thames Sailing Barges that remain and other heritage craft.
- 5.6.8 The environs to Cook's Boatyard on land and water are reflective of its use as a working boat repair yard with stacks of timber, heavy metal spare parts, machinery for repairs on the landside and barge berths and barge blocks at the riverside but most importantly the character of the people who carry out this work. Boiler suited craftsmen and women actually carrying out this work with the smells and noises associated with repairing boats – paint, varnish, sawdust, glue, and hammering, sawing, planing. This visual and physical character of a working boatyard is unique.
- 5.6.9 As such, it is considered that the proposal of a tea room, an unrelated craft within an existing working boatyard, would impact negatively on the character, function and practicalities of a working boatyard and working maritime / port area. Coupled with the national and local policy objectives to protect and enhance the historic environment, pay due regard to the sensitive relationship of the Masterplan area with the River Chelmer and to realise the potential of its maritime heritage in protecting maritime trades and raising awareness of the importance of maritime skills and water-related industries, a direct conflict arises if an element of the last working boatyard for the Thames Sailing Barges is lost - even temporarily.
- 5.6.10 The proposal would therefore directly conflict with the vision and objectives of the draft Masterplan required under Policy S5 of the LDP to protect and enhance the historic environment, pay due regard to the sensitive relationship of the Masterplan area with the River Chelmer and to realise the potential of its maritime heritage in protecting maritime trades and raising awareness of the importance of maritime skills and water-related industries within the Masterplan area.
- 5.6.11 It is noted that a previous application on land leased by the applicant for change of use of a boat store to marine gallery / exhibition and boat storage was refused in August 2016 with one of the reasons of refusal relating to the development prejudicing the outcome of the Maldon and Heybridge Central Area master planning approach. This

application could also prejudice the outcome of the masterplan and should not be considered in isolation. It is therefore considered that the proposal would be contrary to Policy S5 of the LDP.

5.6.12 In addition to the above, the Council is fully aware that there are lease issues on this site as the proposal would be sited and operating on Council's own land. However, it is important to note that this planning application has been determined in accordance with relevant Development Plan Policies and planning legislations and the not outcome of the lease.

5.6.13 Letters of representation received refers to a 'winter barge tearoom' having been in operation since 2013 and for seven months a year. The Council has no record of this and the use appears to be unauthorised. This winter barge tea room therefore carries little weight as a material consideration.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/91/00358** - Improvements to boatyard including workshops visitor facilities and museum. Approved - 09.07.1991.
- **FUL/MAL/98/00508** - Change of use to Maritime Heritage Centre incorporating charter boat agency visitor information point and project boat building. Approved - 08.10.1998.
- **FUL/MAL/00/00205** - Construction of replacement boatshed. Approved - 02.06.2000.
- **FUL/MAL/07/00199** - Use to include a maritime heritage centre and gallery. Approved - 11.06.2007.
- **FUL/MAL/09/00152** - Change of use to include a marine gallery and exhibition. Approved - 12.06.2009.
- **FUL/MAL/15/00285** - Change of use from boat store to marine gallery/exhibition and boat storage with associated works to the building. To install a kitchen within shed to serve barge cruises. Erection of a fence to southern boundary of the site of the boatyard. Refused - 12.08.2016.
- **FUL/MAL/16/00872** - Change of use of existing lease to allow for mooring of historic barge on campshed as public tearoom and daytime meeting room. Also occasional evening use as an Arts Venue. Erection of safety stanchions and link chain along riverside of path. Withdrawn.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	The Town Council recommends approval of this application as this will enhance tourism in the town.	Noted

7.2 Statutory Consultees and Other Organisations (summarised)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No objection subject to conditions and informative.	Noted in Section 5.4.2 of the report.
Emergency Planner	The information submitted within the flood risk assessment is appropriate to form an informed flood warning and evacuation plan if followed by staff and all on site in the event of a tidal surge.	Noted in Section 5.5.8 of the report.
Natural England	No objection to the application.	Noted.
Maldon Harbour Improvement Commissioner	Object to the planning application.	Noted.

7.3 Internal Consultees (summarised)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Services	No objection subject to condition.	Noted in Section 5.3.2 of the report.
Urban Design Officer	Object to the temporary consent as the development would be contrary to policy S5 of the LDP.	Noted in Sections 5.2.6 and 5.6 of the report.
Conservation Officer	No objection as the proposal will now be temporary.	Noted in Section 5.2.5 of the report.
Economic Development Officer	No objection to the application.	Noted.

7.4 Representations received from Interested Parties (summarised)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- Mr Adrian Riva Fenby Shipways Yard North Street
- Dr Andrea Raiker Flat 3 Beacon Hill Court 20 - 22 Beacon Hill Maldon
- Mr Taylor - Association Of Bargemen 10 Toga Close Colchester CO2 9JJ
- Landbrach Limited C/o N Cardy Chelmer Terrace Maldon Essex
- Mr Noel Probyn Hall Cottage Hall Road Heybridge
- Mrs Mari Riva Fenby Shipways Yard North Street

Objection Comment	Officer Response
Loss of facility for local barge operators and barge maintenance.	Noted in Sections 5.2, 5.3.3, 5.5 and 5.6 of the report
Negative impact on visiting yachts.	
The proposal is unclear regarding the disposal of black and grey water.	
The health and safety – i.e. tea room so close to other vessels being repaired; Arts Venue where alcohol to be served could mean greater risks; not enough detail regarding emergency exits.	
Flooding issue has not been addressed.	
Impact on the conservation area.	
If Topsail Charters no longer require these barge berths for repairs on Thames barges perhaps MDC should offer the leases to someone who wants to carry on barge repairs and maintenance.	
Cooks Yard is the only surviving Barge yard left in the country and it is of national importance with an unbroken history. It must not be lost.	
A temporary consent would create a back door precedent for permanence and compromise the historic site.	
Work on the barge blocks can be noisy and dirty not an ideal neighbour for a "tearoom".	
Not an appropriate location for a tearoom.	
Resourceful is not on the Historic Ships Register.	
Bollards and chain will form an obstacle on the pathway alongside the river.	

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- Miss Michele Williams Barge End Cottage 30 The Hythe Maldon
- Miss Joy Young 75 St Giles Crescent Maldon Essex
- Mrs Jill Driver 22 Fambridge Road Maldon Essex
- Roger Beckett 54 Meadway Maldon Essex
- Mr Jonathan Nichols 42 Victoria Road Maldon Essex
- Judith Lea C/o Maldon Society 12 The Courtyard Spital Road Maldon
- Mrs Claire Luff 27 Masefield Road Maldon Essex
- Mr Gareth Lethbridge 27 Wagtail Drive Heybridge Maldon
- Mr Kenneth James Thornetons Wayside Little Baddow
- Ralph Springett Shipwright & Barge Repairs 22 Chichester Way Maldon

- Mr Simon Carlaw 10 North Block The Railstore Romford
- Phil Griffiths Ashmere 40 Holloway Road Heybridge
- Mr Robert Southey 17 Volwycke Avenue Maldon Essex
- Mrs Kim & Gerry Gibbs 32 The Hythe Maldon Essex
- Mr Jane Senior 48 Mariners Way Maldon Essex

Supporting Comment	Officer Response
Will greatly enhance the Hythe and waterfront area of the Promenade Park in Maldon.	Noted in Sections 5.1.1, 5.2.8, 5.3.3 and 5.6.8 of the report.
Benefit local economy.	
Wonderful tourist attraction and draws visitors to the town.	
A distinctive addition to visitor facilities at the prom.	
The proposal would provide funds for Topsail Charters to continue with their work.	
This proposal is just that, a winter and summer cafe, with evening recitals, poetry readings and talks that will compliment the waterfront and its facilities, enriching both the visitor and the townsfolk.	
Topsail maintain and repair both their and other barges and boats, providing training, skills, experience and employment, sustaining knowledge and practice of barge construction.	
Provides job.	
Educational – keeping alive old craft skills.	
The use of the barge as a tearoom is an excellent way to give both residents and visitors the chance to experience such a craft when they otherwise may not have such an opportunity.	
Enjoy using the Winter Tea Room and is should be a permanent addition to Topsail.	
A barge with multi-use should be supported.	
Local suppliers can benefit from this proposal .	
Will able to host celebrations or events all year round.	
A lovely site for use as a meeting room and a place for exhibitions of local artists' work.	

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- Mrs Carol Greenhalgh George Smeed Sailing Barge The Hythe Maldon
- Mrs Janet Hall 12 The Hythe Maldon Essex

Comment	Officer Response
The bollards proposed would not be temporary.	
Concerned about the logistic of the proposal – the activities to take place would conflict with each other .	
No details of lighting .	
Cook's Yard is one of the most important examples of Maldon's industrial heritage.	
No details of waste and sewerage disposal.	
What provision will be made for people to escape ashore from below deck in case of fire or other emergency?	

8. REASONS FOR REFUSAL

- 1 The application site is located within Flood Zone 3b defined by the National Planning Practice Guidance as the functional floodplain, this zone comprises land where water has to flow and be stored in times of flood. The vulnerability of the proposed development as per the National Planning Practice Guidance table 2 ‘Flood Risk vulnerability Classification’ is ‘less vulnerable’ which is considered an inappropriate development in flood zone 3b. The proposed development is therefore detrimental to the safety of future users of the site contrary to the guidance and advice contained within the National Planning Policy Framework, the National Planning Practice Guide as well as policy D5 of the Maldon District Local Development Plan.
- 2 The application site is located within the Maldon Conservation Area and Cooks Boatyard currently makes a positive contribution to the special character of the Conservation Area as well as the wider waterside location. Whilst no objection is raised to the visual impact of the barge, it is considered that the proposed use of the barge as a tearoom and an Arts Venue at the application site would fail to preserve or enhance the special character of the Maldon Conservation Area and the working waterside character of the locality. The development would therefore be contrary to The National Planning Policy Framework, policies BE1, BE13 and CC12 of the adopted Maldon District Replacement Local Plan and policies S1, S5, D1 and D3 of the Maldon District Local Development Plan.



**REPORT of
CHIEF EXECUTIV E**

to
CENTRAL AREA PLANNING COMMITTEE
31 May 2017

Application Number	OUT/MAL/17/00359
Location	Land Rear Of 183 Fambridge Road, Maldon
Proposal	Outline planning permission with all matters reserved for a single storey dwelling
Applicant	Mr. Nigel Harmer
Agent	-
Target Decision Date	16 June 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. **RECOMMENDATION**


REFUSE subject to the reasons as detailed within Section 8 of this report.

2. **SITE MAP**

Please see overleaf.

Land Rear Of 183 Fambridge Road, Maldon
OUT/MAL/17/00359



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00359
	Date:	18/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the rear of properties fronting onto Fambridge Road and forms part of the private rear garden of the host property. It lies within the settlement of Maldon. The area is urban in nature with an eclectic mix of dwellings adjacent to the site.
- 3.1.2 The only access to the site is by way of a private pathway which serves the rear gardens of dwellings within Spencer Close.
- 3.1.3 The proposal seeks outline planning consent for the principle of a dwelling in this location. The outline application procedure allows for applicants to identify specific matters for consideration which include the principle of the development, access, layout, scale, appearance and landscaping. The applicant has identified that this application is to consider the principle of the development only. The considerations of access, layout, appearance, landscaping and scale will form the subsequent reserved matters application should outline planning permission be granted for this proposal. Nevertheless all material planning considerations are relevant, where applicable, to this application.

3.2 Conclusion

- 3.2.1 The erection of a dwelling in this location by reason of its backland siting, lack of highway access, parking and detrimental impact upon adjacent neighbouring occupiers is considered to represent a contrived form of development with an awkward configuration and poor relationship with other properties nearby that would not complement the positive qualities of the locality but would significantly detract from its surroundings. It would fail to meet the aims of the National Planning Policy Framework (NPPF) which at paragraphs 17 and 55 seeks to achieve high quality design and good standards of amenity.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 17, 53 and 55

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- S1 Development Boundaries and New Development
- H1 Location of New Housing
- BE1 Design of New Development and Landscaping
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- T8 Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- I1 Infrastructure and Services

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Policy S1 of the Replacement Local Plan recognises that new development will be directed to those sites within the development boundaries which are not constrained by the local plan. The application site lies within the settlement confines of Maldon, surrounded by an established residential area; and there is therefore no policy objection to the principle of the development. Nonetheless, there must be compliance with other policies in the Replacement Local Plan, and the National Planning Policy Framework, which seeks to ensure that new residential development, does not take place at the expense of other material planning considerations.

5.1.2 The NPPF states that ‘Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.’ (Paragraph 53). Therefore, whilst housing development is acceptable in principle within a specified settlement location, considerable weight must be given to the impact on the character of the existing settlement and the cumulative impact of such development on the character and amenity of an area in order for the proposal to comply with the requirements of the adopted development plan.

5.2 Design and Impact on the Character of the Area

5.2.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.

5.2.2 Policy BE1 also states that development will only be permitted if it is compatible with its surroundings and/or improves the surrounding location in terms of (a)(ii) Site

Coverage, (iv) Scale Bulk and Height, (vi) Visual Impact, and (b) that within defined development boundaries they harmonize with the general character of the area in which they are set.

- 5.2.3 Policy BE1 (a) of the adopted local plan relates to design and seeks to ensure that new development is reflective of its setting in terms of architectural style, scale / bulk / height, materials and visual impact (among other factors) and improves the surrounding location in terms of effect on the safety and amenity of neighbouring properties and their occupiers. BE1 (b) states that inside defined development boundaries, developments should harmonize with the general character of the area in which they are set.
- 5.2.4 Albeit the proposal is outline in nature and no indicative plans have been submitted, the submission states that the proposal would comprise a detached, single storey, two bedroom property, with private amenity space.
- 5.2.5 Adopted Policy BE1 (b) states that development should harmonize with the general character of the area. A well-designed building should appear as a self-contained form which complements and enhances its location and surroundings. Whilst it is acknowledged that a well designed building per se could be achieved through any subsequent reserved matters stage, the contrived location of this plot to the rear of existing dwellings in Fambridge Road to the west and Spencer Close to the east is emphasized by the lack of access to the site, which would be solely by way of a narrow, private, right of way footpath to the rear of the dwellings in Spencer Close.
- 5.2.6 Comparisons need to be made between the site subject of this report, and those to the north of the site. It is clear from the site assessment undertaken, that those sites have direct and easy access to the highway and footpath network within the local area and benefit from open frontages onto the highway known as Wordsworth Avenue. The access point to the site subject of this report is in stark contrast and would be restricted to a narrow footpath which serves as a private right of way to the rear gardens of properties within Spencer Close. Whilst boundary treatments could be removed within the section of the garden of No 183 Fambridge Road, the section which passes between the gardens of the adjacent dwelling to the north and the rear gardens of the properties in Spencer Close, would be out of the control of the applicant, serves as the only access point to the site and is bounded by 2m high walls.
- 5.2.7 As such, it is considered that the proposal would fail to comply with policies BE1 of the local plan which states that all development must enhance the character and local context, emerging policy D1 of the LDP and the provision and guidance as contained within the NPPF.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 (a) (vii) of the replacement local plan seeks to protect neighbouring occupiers from unacceptable development which results in a loss of amenity. Policy D1 of the emerging local development plan seeks to protect the amenity of surrounding areas and local context.
- 5.3.2 It is considered that a single storey property would have limited impact upon adjacent neighbouring occupiers in terms of overlooking and loss of privacy. Subject to a

condition to restrict the overall ridge height, this element is not considered to result in detrimental impact.

- 5.3.3 However, the only access point to the site would adjoin the rear boundary of the dwellings in Spencer Close. Whilst this would be limited to pedestrians only, this could be undertaken at will by the occupants and visitors of the proposed dwelling resulting in potential noise and disturbance to the small private rear gardens of those properties.
- 5.3.4 Therefore the proposal is considered to fail on the criterion of adopted Policy BE1(a) (vii), and BE6 of the replacement local plan and policies D1 and H4 of the submitted local development plan.
- 5.3.5 Due to the distance between the proposed site and the host dwelling, it is not considered that significant detrimental harm would result between occupiers of those dwellings, and subject to appropriate boundary treatments, minimal impact would result between future occupiers and those to the north of the site.
- 5.3.6 Overall, the proposed development, due to its relationship with the neighbouring properties to the east of the site, it is considered to give rise to demonstrable harm by way overlooking or overshadowing and is compliant with policy BE1 of the replacement local plan and policies D1 and H4 of the submitted local development plan and the guidance contained within the National Planning Policy Framework.

5.4 Access, Parking and Highway Safety

- 5.4.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising two to three bedrooms require a maximum of two parking spaces. Due to the restricted backland location of the plot, there would be no capability for parking within the site. The nearest parking provision would be within the public highway known as Wordsworth Avenue. It is acknowledged that the requirements of the SPD are stated as a maximum. These may be relaxed for town centre locations where occupiers are in very close proximity to community support facilities. However, the site is located some 1.5km to the south of the town centre and it is considered inevitable that occupants and their visitors would park close to the site within the surrounding area which would result in an increase in on-street parking, increasing pressure elsewhere and compromising highway and pedestrian safety.
- 5.4.2 Furthermore, the Council is committed to promoting an inclusive society that offers opportunities for everyone. New development must promote accessibility and make appropriate safe provision in terms of access, egress and parking. The restricted width access would limit access for those with mobility problems and young children and those with physical and sensory impairments. Easy access is part of good design. The NPPF at paragraph 57 states the importance to plan positively for “*inclusive design for all development, including individual buildings.*”
- 5.4.3 Essex County Council Highway Authority has been consulted on the application in terms of highway safety and there is an objection to the proposal due to the lack of parking provision on site which it is considered would lead to congestion, danger and obstruction contrary to the interests of highway safety.

5.4.4 The proposal is therefore considered to fail with the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

5.5 Private Amenity Space, Landscaping and Nature Conservation

5.5.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m² of private garden space. Such a provision would be met in this instance.

5.5.2 The site already benefits from some existing boundary treatments and subject to conditions for appropriate boundary treatments to the west and eastern boundaries and landscaping, the proposal would accord with adopted and emerging policies for these elements.

5.6 Other Considerations

5.6.1 The Parish Council has objected to the scheme on the grounds of backland development, lack of parking provision and lack of detail. The first two concerns have been noted and are addressed elsewhere in this report. The lack of detail is noted but the proposal is outline in form with all matters reserved. The proposal is therefore for the principle of development only.

5.6.2 The Council's Environmental Health Service has also recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary in this instance and can be appended to any grant of permission. Furthermore, Informatives for the provision of waste and recycling collections are recommended as is an Informative for the control of noise and nuisance during construction. However, due to the location of the site and proximity to adjacent neighbouring occupiers and lack of highway access, should permission be granted, it is considered appropriate to append a condition to any grant of permission for a full Construction Management Plan.

5.6.3 Numerous letters of representation have made reference to the access to the site being a private right of way. Whilst this is acknowledged, the use of this pathway for access and egress from the site would form a private civil matter between the various land owners. The logistics in planning terms of this pathway forming the only entrance to the site have been addressed in previous sections of this report.

5.6.4 Letters of Representation have also made reference to the grant of permission through the appeal process for the dwelling adjacent to the north of the site. However, a history search on that property has found that the proposal for the dwelling was allowed on 18 March 1987. In view of the time lapse between the two proposals, it is not considered that the appeal decision, which was made prior to the time of the current plan period, adopted in 2005, is either pertinent or relevant to the scheme subject of this proposal.

6. ANY RELEVANT SITE HISTORY

None.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object: The proposed development is a backland development with no parking. There is limited detail in the application	These points have been addressed within the report

7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	Objection. The proposal fails to provide off road parking in accordance with current parking standards and would lead to additional vehicle being left parked in the adjacent highway causing congestions, danger and obstruction contrary to highway safety	The comments of the Highway Authority are noted and have been addressed in the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection subject to conditions relating surface drainage and foul water details to be submitted and Informatives for waste collection and control of noise and nuisance during construction	The comments of the Environmental Health Service are noted and have been addressed in the report

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received objecting to the application from the following and the reasons for objection are summarized as set out in the table below:

- J. & D. Coombes, 2 Spencer Close, Maldon, CM9 6BX
- Ms. S. Cousins, 4 Spencer Close, Maldon, CM9 6BX
- Ms. K Hood, 6 Spencer Close, Maldon, CM9 6BX

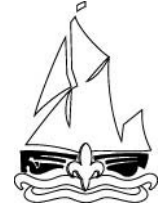
- Mr. Sidgwick, 8 Spencer Close, Maldon, CM9 6BX
- W.G Nicholson, 10 Spencer Close, Maldon CM9 6BX
- Mrs. M Patient-Saunders, 18 Wordsworth Avenue, CM9 6BZ
- Ms. & Mrs. Dawson, 185 Fambridge Road,
- Poets Estate Residents Association, 18 Wordsworth Avenue, CM9 6BX
- Mrs. Shaughnessy, 1 Wordsworth Avenue, Maldon, CM9 6BY

Objection Comment	Officer Response
<p>Properties in Spencer Close only benefit from a 30ft garden. Development will result in a “boxed in” effect Impact on quality of life to those in Spencer Close Add to parking issues in Spencer Close Alleyway is for the benefit of No’s 2-8 Spencer Close, its use will continue Granting by way of appeal for adjacent dwelling throws into question the validity of this proposal. Backland development No vehicle access No right of way to footpath Right of Way does not belong to applicant it is for rear access for residents of Spencer Close The alleyway is private and only for residents of 2-8 Spencer Close</p>	<p>The comments have been noted and addressed within the report</p>

8. REASONS FOR REFUSAL

1. The principle of a dwelling in this location by way of its siting and location to the rear of No’s 2 – 8 Spencer Close would result in an incongruous and contrived development out of character with the prevailing pattern of development within the area. As such the proposal is contrary to adopted Maldon District Replacement Local Plan policy BE1 policies D1 and H4 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.
2. The proposed development by way of the proximity of the access and intensification of its use would result in loss of amenity and detrimental impact upon the occupiers of the adjacent dwellings by way of noise and disturbance contrary to policies BE1 of the adopted Maldon District Replacement Local Plan as well as the principles of delivering sustainable development contained within the National Planning Policy Framework.
3. The proposed development by way of the restricted width of the access would result in the intensification of on-street parking to the detriment of detriment of highway and pedestrian safety resulting in an unacceptable degree of hazard

to potential future occupiers and existing road users, contrary to policy T2 of the adopted Maldon District Replacement Local Plan and policy T2 of the submission version of the Local Development Plan.



**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017

Application Number	HOUSE/MAL/17/00377
Location	27 Mundon Road, Maldon, Essex
Proposal	Front extension, render existing walls & vehicle crossover
Applicant	Mrs J Cox
Agent	Mr Allan Taylor - Blue Door Solutions Ltd
Target Decision Date	07/06/2017
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION

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


2. SITE MAP

Please see overleaf.

27 Mundon Road, Maldon
HOUSE/MAL/17/00377



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee 17/00377
Date:	18/05/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site relates to a two-storey semi-detached dwelling located to the eastern side of Mundon Road.
- 3.1.2 Planning permission is sought for the construction of a single storey front extension, the formation of vehicular crossover, and layout of permeable block paving to the existing front boundary and the rendering of the dwelling.
- 3.1.3 The proposed single storey front extension measures 1.5m in depth, 3m in width with an overall height of 4m. The length of the proposed dropped kerb is 3m.

3.2 Conclusion

- 3.2.1 The proposed development is not considered to result in a demonstrable harm to the surrounding area or the existing dwelling. In addition the proposed development does not detrimentally impact on the provision of amenity space, car parking provision and neighbouring occupiers. As such, it is considered that the proposed development is in accordance with policies BE1 and BE6 of the RLP and D1 of the LDP.

4. MAIN RELEVANT POLICIES

4.1 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of Development and Landscaping
- BE6 - Extensions to Dwellings
- T8 - Vehicle Parking Standards.

4.2 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment
- T2 - Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering the boundary treatment in relation to the existing dwelling and altering and extending an existing dwelling to provide facilities in association with residential accommodation is considered acceptable in principle, in compliance with BE6 and T2 of the RLP and D1 of the submission LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

- 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 sought to create a high quality built environment for all types of development.
- 5.2.2 The proposed porch extension is considered to be a typical style and design of residential development and in terms of its proportions, namely its size, bulk and appearance, and it is considered that the porch would be proportionate in scale. Whilst it is noted that the proposed facing brickwork would not reference that of the host dwelling the material is present within the local vicinity and is considered to be acceptable.
- 5.2.3 The external material of the adjoining property no 25 is of a render material and other properties within the vicinity are rendered therefore, the rendering of the host dwelling is considered to be in keeping with the character and appearance of the local area.
- 5.2.4 It is considered that the proposed development, by means of its style and design, including its scale and bulk, will not result in a demonstrable impact on the existing dwelling and local setting, and therefore, in accordance with the stipulations of adopted policies BE1 and BE6 of the RLP and Policy D1 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The proposed porch extension will be 3.4m from the neighbouring property no25 and 4.1m from No.29 therefore, given the distance from neighbouring dwellings and the scale of the proposed porch, it is not considered the development would have a detrimental impact on the amenity of adjoining neighbours by way of overbearing, overpowering or loss of light.
- 5.3.3 Whilst the proposed block paving would span a large majority of the front boundary there are a number of properties with hand standing to large sections of the front boundary within the vicinity of the application site. Therefore, it is considered that the proposal would not be out of keeping with the character and appearance of the area. Furthermore, one of the material considerations that a planning authority has to take into account when deciding whether to grant planning permission for a development proposal is of what can be undertaken without the need for planning permission, this is the fallback position. It is considered that the proposed block paving could be constructed within the permitted development limitations.

5.3.4 Furthermore due to the single storey nature it is considered that the proposed extension would not result in any overlooking or unneighbourly form of development. In this respect, the proposal would be in accordance with policy BE6 of the RLP and D1 of the emerging LDP.

5.4 Access, Parking and Highway Safety

5.4.1 The principal concern with drop kerbs is highway safety. There are a number of vehicular crossovers within the vicinity of the application site. The proposed development includes the provision of permeable block paving to the front boundary which will accommodate up to two cars and allows for cars to egress from the site in a forward gear, in the interest of highway safety.

5.4.2 Overall it is not considered that the proposed dropped kerb or block paving to the front boundary would have an undue impact upon highway safety or free flow of traffic and no objection is raised to the proposal, subject to conditions relating to highway safety in conjunction with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy T2 of the Local Plan. It should also be noted that no objection is raised to the development by the Highway Authority.

5.4.3 Policies BE1 and T8 of the RLP seek to ensure that appropriate off-street parking is provided in conjunction with alterations and/or additions to dwellings. Likewise, policies D1 and T2 of the submission LDP seek to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

5.4.4 The proposed development would not result in any additional bedrooms. The vehicle standards requirement is to provide a maximum of 2 off street parking spaces.

5.4.5 Whilst it is noted that the proposed development would result in some loss of the front amenity, the proposed permeable block paving will be provided to the front which will accommodate a minimum of 2 vehicles.

5.4.6 Therefore, it is considered that the proposed development would be in accordance with T8 of the RLP and T2 of the LDP.

5.5 Private Amenity Space and Landscaping

5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.

5.5.2 The existing garden on the site is in excess of the standard contained within the Essex Design Guide, and the proposed development would not result in any loss of the existing garden and therefore, there is no objection to the proposal in relation to amenity space.

6. RELEVANT SITE HISTORY

6.1 None

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish Council

Name of Parish Council	Comment	Officer Response
Maldon Town Council	No Objection	Noted

7.2 Representation received externally

Name	Comment	Officer Response
Highways	No Objection subject to relevant conditions	Noted

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters were received **objecting** to the application.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: In order to ensure that the development is carried out in accordance with the approved details.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish to match the existing dwelling.
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan.
4. Prior to first use of the proposed development, the vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specification of the Highway Authority.
REASON: to ensure that vehicles using the site access do so in a controlled manner in the interest of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy T2 of the Local Plan.
5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
REASON: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy T2 of the Local Plan.

6. The driveway hereby approved shall either be constructed of a porous material or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse and shall be retained as such thereafter.

REASON: To ensure that surface water flood risk is not increased as a result of the development in accordance with CON5 of the Maldon District Replacement Local Plan and D2 of the Maldon District Local Development Plan

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**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017**

Application Number	FUL/MAL/ 17/00449
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	Resubmission of planning application FUL/MAL/16/01496 following a recent refusal to construct a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Date Valid	26 April 2017
Target Decision Date	21 June 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Previous Committee Decision

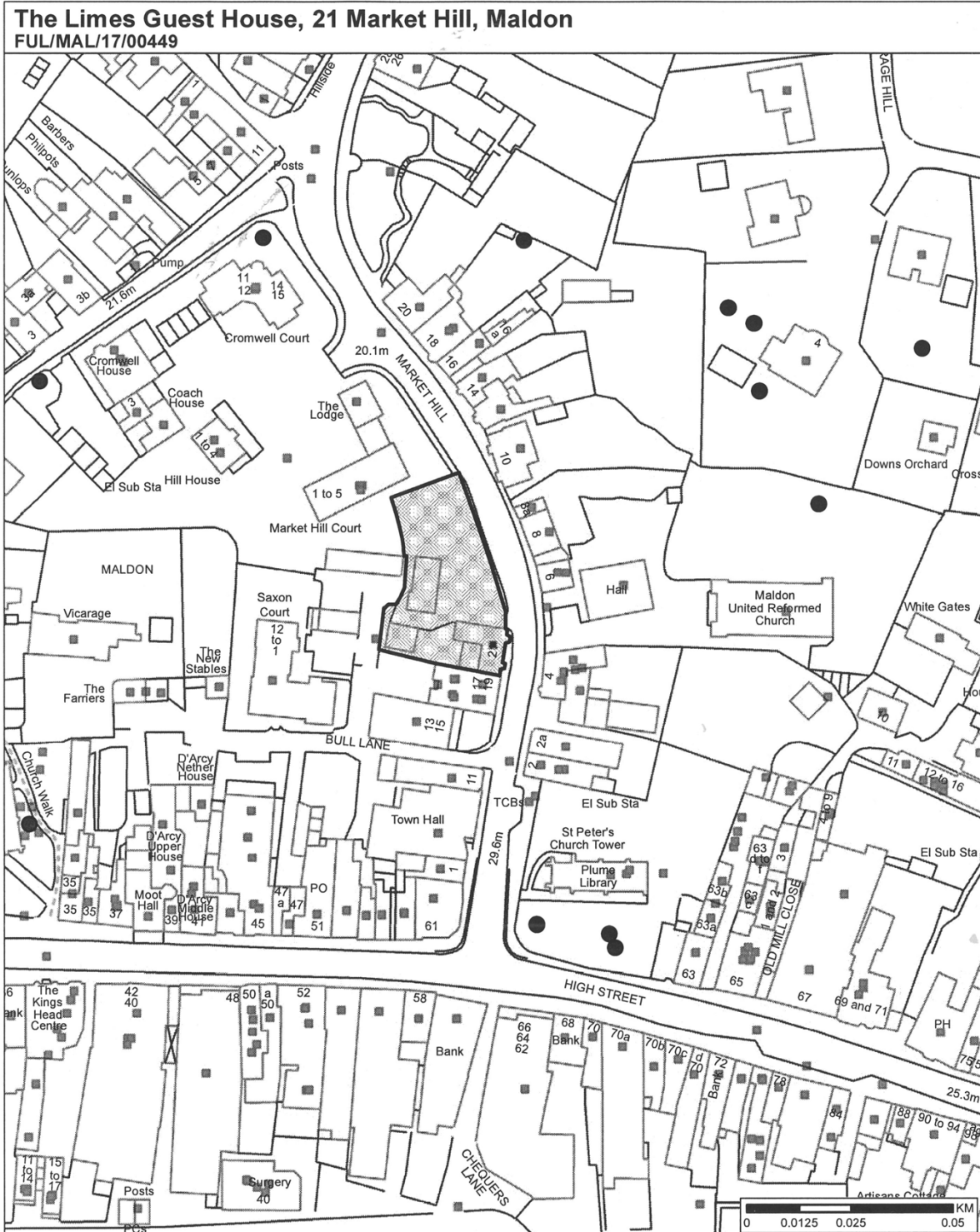
Application Number	LBC/MAL/17/00450
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	Resubmission of Listed Building Consent LBC/MAL/16/01497 following a recent refusal to construct a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Date Valid	26 April 2017
Target Decision Date	21 June 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Previous Committee Decision


1. RECOMMENDATION

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

GRANT LISTED BUILDING CONSENT subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00449
	Date:	18/05/2017
	MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The Limes Guest House is located on the west side of Market Hill, Maldon. The building is Grade II listed and is within the Maldon Conservation Area. To the north of The Limes is a car park for guests with an annex containing guest accommodation behind. To the rear of The Limes is a small garden area and a “garage” which has been converted to guest accommodation with a laundry on the ground floor. Both the annex and the “garage” are clad in black clad timber above a brick plinth with tiled roofs. The boundary is marked by a close boarded timber fence of approximately 1.7 metres in height.
- 3.1.2 The application site slopes down to the north and there is a steep drop down to the adjacent site to the north which is occupied by Market Hill Court, a two/three storey flatted development. To the west / rear of the site is garaging and car parking areas associated with Saxon Court, a modern flatted development. There is an extant planning permission on this site for the construction of a shed in between the annexe and the “garage” which was approved in 2014 by application: FUL/MAL/14/01130 (23 December 2014).
- 3.1.3 It is proposed to construct a single storey building between the “garage” and the annex for use in conjunction with the guest house. The building would provide an office for the manager on site. The planning application and Listed Building Consent are both resubmissions following the refusal of LBC/MAL/16/01496 and FUL/MAL/16/01497. The reasons for refusal are set below:-

LBC/MAL/16/01496

‘The development proposal would result in overdevelopment of site and affecting the setting of the listed building contrary to policy BE16 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework’.

FUL/MAL/16/01497

‘The development proposal would result in overdevelopment of site contrary to policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework’.

- 3.1.4 The single storey building would be an ‘L-shaped’ structure measuring approximately 5.7 metres deep, 3.1 metres wide with a height of 4.4 metres to ridge level. At the rear there is an inset in the building’s footprint to accommodate a tree growing close to the site boundary. It is proposed that the building would be clad in black stained timber to match the existing buildings with a brick plinth. The roof would be of natural clay plain tiles to match the existing annex building.

3.2 Conclusion

- 3.2.1 The proposed development is acceptable as it is modest in scale and would not adversely affect the setting of the listed building or the Maldon Conservation Area. The development would accord with policies BE1, BE13 and BE16 of the Maldon District Local Replacement Plan, policies S1, D1 and D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

- 7, 8, 14, 17, 56, 57, 131

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1, BE13, BE16, T8

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- S1, D1, D3, E5, T2

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal is for the construction of a new building for a manager to be present on site in conjunction with the use of the site as an established guest house. The principle of such proposal would be supported by Maldon District Local Development Plan and the National Planning Policy Framework where it supports developments that widen the viability and vitality of the town centre. Further, there is an extant planning permission on this site for the construction of a shed between the annex and “garage” and is material consideration when determining this planning application (Planning reference: FUL/MAL/14/01130 (23 December 2014)).

5.2 Design and Impact on the Character of the Area

- 5.2.1 Policy BE1 of the adopted local plan and policy D1 of the Local Development Plan (LDP) highlights the importance of all new development being of a suitable design ensuring they are compatible with their surroundings /or improve the surrounding

location subject to certain criteria. Policies BE13 and BE16 of the adopted local plan, policy D3 of the LDP and the NPPF provides guidance on heritage assets, and the importance to protect, preserve and enhance the setting of listed buildings in conservation areas.

- 5.2.2 The proposed development would be positioned to the south west of the site between the annex and “garage”. The building would now have a footprint of approximately 15.5 square metres, approximately 11 square metres smaller than the previously refused scheme where the footprint of the building was 26.5 square metres (FUL/MAL/16/01496). The footprint of the building would be exactly the same as the building as previously approved under application FUL/MAL/14/01130 with the exception of the design of the development where full length windows are proposed on the front and side elevation of the building. Other changes also include the quality of the external materials to be used and the height of the development where it has increased by 1.1 metres from approximately 3.3 metres to 4.4 metres.
- 5.2.3 Having considered the scale and height of the development, the building would appear subservient when viewed in context with the guest house, annex and “garage” building. In terms of design and appearance, the new building would echo the annex and the “garage” and would not appear at odds when viewed from the public domain. It would be sympathetic and would have minimal impact on the setting of the listed building in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the Local Development Plan.
- 5.2.4 In this revised scheme, the building would be positioned to the rear and approximately 8 metres away from the listed building and has also been designed to avoid the removal of an existing tree on the western boundary of the site. The Conservation Officer has been consulted and has raised no objection to the proposal as it would cause no harm to the setting or significance of the adjacent Grade II listed building and would effectively preserve the special character and appearance of the Maldon Conservation Area, in accordance with policies BE13 and BE16 of the adopted local plan and policy D3 of the Local Development Plan.
- 5.2.5 The application site is located within The Maldon and Heybridge Central Area under Policy S5 of the Local Development Plan. Policy S5 states that *‘the Central Area incorporates Maldon Central, the Causeway Regeneration Area and the Leisure Quarter. The Central Area will continue to act as the focal point within the District for retail, commercial, industrial, community and tourism activities’*. The Urban Designer has been consulted and had raised no objection to the previous scheme FUL/MAL/16/01496 as the site would not have an impact on the area. As the footprint of the building is now smaller than the previous scheme: FUL/MAL/16/01496, it is unlikely that the Urban Designer would object to the development proposal.

5.3 Impact on Residential Amenity

- 5.3.1 To the rear of the site there is a parking area associated with Saxon Court. Much of the new build would be screened by the fence on the western boundary and is flanked by the existing annex and “garage” building. As such, the development would result in no impact on the amenity of residential properties to the north, west and south of

the site. This would accord with policy BE1 of the adopted local plan and policy D1 of the Local Development Plan.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the adopted local plan seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy T2 of the Local Development Plan seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.4.2 The access / egress point to the guest house. As such, there is no objection in this respect as the proposal would comply with policy T2 of the adopted local plan. The Highway Authority has raised no objection to this.
- 5.4.3 With regard to off-street parking on site, the Council's adopted Vehicle Parking Standards advises that 1 space per bedroom to be made available for guest or staff. There are currently 15 car parking spaces available on site at The Limes Guest House. The new building which would be situated between the annex and the 'garage' building and would result in a loss of an existing disabled bay / car parking space. It is important to note that this space is not entirely lost as it has been relocated to the front of the annex and is marked as a 'drop-off' area in this current proposal.
- 5.4.4 Whilst concerns have been raised with regards to the number of off-street parking available at the site, it is important to note that the development is in a town centre location, a sustainable location, where such provision can be relaxed. In this instance, it is not considered that the loss of a car parking space and for it to be replaced by a 'drop-off' area would be reasonable to warrant refusal.

5.5 Other Material Considerations

- 5.5.1 In the previous application FUL/MAL/16/01496, letters of representation were received by the Council concerning the historic wall which forms the shared boundary between the application site and Hill House / Market Hill Court. It is important to note that the development would be constructed to the south western side of the site between two existing structures and therefore would not have an adverse impact on the wall in question.
- 5.5.2 In terms of rainwater / surface water drainage, the Environmental Health Services has been consulted but no reply has been received at the time of writing this report. Whilst this is the case, it is noted that no objection was raised to the previous proposal (where the building had occupied a larger footprint) subject to conditions to be imposed should the application be approved for the submission of surface water drainage detail to be approved prior to the commencement of development.
- 5.5.3 There are currently wooden outbuildings located to the rear of the annex building and within the car parking area. Based on the Proposed Layout Plan (Drawing No: 52A) submitted, these building would be removed to facilitate parking on site.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/94/00136** - General renovations and internal alterations forming dining room sitting room 4 bedrooms bathroom and shower room to the front 3 storey part and formation of kitchen lobby toilet. Approved: 30.03.1994.
- **FUL/MAL/95/00782** - Proposed new garage. Approved: 05.02.1996.
- **LDP/MAL/99/00440** - Change of use of part of dwelling to bed and breakfast and internal alterations. Refused: 18.06.1999.
- **FUL/MAL/99/00531** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/99/00532** - Change of use of part of dwelling to bed and breakfast accommodation. Withdrawn: 15.07.1999.
- **LBC/MAL/01/00013** - Proposed installation of en-suite shower room in existing first floor guest bedroom. Approved: 09.02.2001.
- **FUL/MAL/01/00345** - Proposed Iron railings down front door steps and around pavement area with gate. Approved: 12.07.2001.
- **FUL/MAL/06/00217** - Continued use as a guest house. Approved: 28.03.2006
- **FUL/MAL/06/00833** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00834** - Erection of Conservatory. Refused: 22.09.2006.
- **LBC/MAL/06/00847** - To alter and convert existing double garage. Application Withdrawn: 12.07.2006.
- **FUL/MAL/06/00849** - Change of use of ground floor lounge, dining room and conservatory to tea rooms and bistro 2 evenings a week (Friday and Saturday). Refused: 05.09.2006.
- **FUL/MAL/06/00850** - Conversion of existing double garage and first floor storage into 3 bedrooms with en-suite. Refused: 05.09.2006.
- **FUL/MAL/06/01152** - Retention of mobile home in connection with existing bed and breakfast use. Refused: 17.11.2006.
- **FUL/MAL/06/01237** - Change of use of the ground floor lounge, dining room, conservatory (subject to separate planning permission) to tea rooms. Approved: 25.01.2007.
- **FUL/MAL/06/01311** - Vehicle barrier for guest house. Refused: 26.01.2007.
- **FUL/MAL/06/01413** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01414** - Erection of conservatory. Approved: 19.02.2007.
- **LBC/MAL/06/01424** - En-suite shower room to ground floor bedroom using existing vents in room, no alterations to building made. Application Closed: 13.03.2007.
- **LBC/MAL/07/00216** - Alterations to kitchen, forming cupboard and lobby from new conservatory to toilets. Withdrawn: 16.04.2007.
- **LBC/MAL/07/00306** - Retrospective application for the conversion of lounge into bedroom with en-suite. Approved: 01.06.2007.
- **LBC/MAL/07/00467** - Install glazed canopy link from conservatory to rear door to gain access to toilet facility, form an opening by removing existing

window to gain access to conservatory and internal alterations to kitchen.
Approved: 21.06.2007.

- **CON/MAL/08/00062** - Reduce height of the flank retaining wall due to imminent collapse. Approved: 20.03.2008.
- **FUL/MAL/08/00611** - Installation of metal fence along boundary to Market Hill and erection of shed. Withdrawn: 29.07.2008.
- **FUL/MAL/08/00927** - Installation of metal fence & shed. Approved: 30.09.2008.
- **FUL/MAL/10/00162** - Proposed detached annexe. Approved: 25.06.2010.
- **NMA/MAL/11/00500** - Non material amendment following approval on application FUL/MAL/10/00162 (Proposed detached annexe) to increase thickness of fascia to 200mm. Approved 29.06.2011.
- **TCA/MAL/13/00057** - T1 Lime - pollard the trees adjacent to roadside. T2 Sycamore - remove 2 front co-dominant trunks from 1 tree and crown raise the remaining by up to 20ft. T3 Prunus - remove to ground level in the rear side car park. Approved 18.03.2013.
- **FUL/MAL/13/00163** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Refused 23.04.2013.
- **FUL/MAL/13/01153** - Install 2 No. sheds to rear of site adjoining annexe and rear fence. Approved 21.02.2014.
- **FUL/MAL/14/01130** - Erection of shed – Approved 23.12.14
- **LBC/MAL/15/01162** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. conservatory - Approved 23.12.2015
- **FUL/MAL/15/01161** - Extend existing conservatory to match existing with new timber pitched glazed roof to match existing. Internal alterations to decrease size of kitchen to form new bedroom, office. –Approved – 23.12.2015
- **FUL/MAL/15/01173** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. – Refused -22.12.2016. Dismissed on Appeal: 4 October 2016
- **LBC/MAL/15/01174** - To construct a two storey annexe comprising of two ground floor bedrooms and two first floor bedrooms to serve The Limes Guest House. –Refused 22.12.2015
- **FUL/MAL/16/00898** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016
- **LBC/MAL/16/00899** - To extend existing conservatory by building new glazed roof over existing within timber rafters to new wall / windows / doors, all to match existing. Approved: 25.10.2016.
- **LBC/MAL/16/01496** - The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe. Refused: 23.03.2017

- **FUL/MAL/16/01497** - The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe. Refused: 23.03.2017.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No reply at the time of writing this report	Any comments received will be reported on the Members Update

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection	Noted in 5.4.2 of the report

7.3 **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Urban Designer	No reply at the time of writing this report	Any comments received will be reported on the Members Update
Environmental Health Services	No reply at the time of writing this report	Any comments received will be reported on the Members Update
Tree Officer	Comment as previous planning application	Noted. This is covered in Section 8 of the report (Conditions 4 and 5)
Conservation Officer	No objection to the proposal	Noted in Section 5.2.4 of the report
Economic Development Team	No objection to the proposal	Noted.

7.4 **Representations received from Interested Parties** (*summarised*)

- No letters of representation have been received at the time of writing this report. Any letters received will be reported on the Members Update.

8. PROPOSED CONDITIONS

FUL/MAL/17/00449

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

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

- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

- 4 No trees within the site shall be felled, cut back, damaged or removed, unless otherwise first agreed in writing with the local planning authority. No development shall commence until information has been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS 5837:2005 in relation to tree retention and protection as follows:

- Tree report detailing retained trees and works required;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural impact assessment;
- Arboricultural method statement (including drainage service runs, construction of foundations and hard surfaces).

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan.

- 5 No development shall commence until fencing and ground protection to protect the trees shall be erected, details to be submitted and approved as per BS 5837:2005, and ground protection been erected details of which shall have been submitted to the local planning authority for written approval. If within five years from the completion of the development an existing tree is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement tree shall be planted within the site of such species and size and shall be planted at such time, as specified in writing by the local planning authority.

REASON: To protect the visual amenity of the area in accordance with policy BE1 of the Maldon District Replacement Local Plan and policy D1 of the Maldon District Local Development Plan.

- 6 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the

local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- Run-off from the site is limited to greenfield rates for a storm event that has a 100% chance of occurring each year (1 in 1 year event).
- The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

REASON: To ensure appropriate surface water drainage scheme is available for the site in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

INFORMATIVES

- 1 This planning application FUL/MAL/17/00449 should be read in conjunction with Listed Building Consent LBC/MAL/17/00450
- 2 All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the specifications of the Highway Authority; details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford CM2 5PU

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 3 The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar. Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturated soils.

LBC/MAL/17/00450

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.

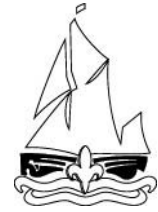
REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the materials and details as approved.

REASON: To ensure the external materials to be used in the construction of the development would be appropriate for the area in accordance with policies BE13 and BE16 of the Maldon District Replacement Local Plan, policy D3 of the Maldon District Local Development Plan, and Government advice contained in the National Planning Policy Framework.

INFORMATIVE

This Listed Building Consent LBC/MAL/17/00450 should be read in conjunction with planning application FUL/MAL/17/00449.



**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
31 MAY 2017**

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

Please see overleaf.

ITEM 1 APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged.

Appeal Start Date: 04/05/2017

Application Number: FUL/MAL/16/01331 (APP/X1545/W/17/3171628)

Site: The Toll House, Fullbridge, Essex, CM9 4LE

Proposal: Single storey extension to side of existing building over part of existing enclosed yard.

Appeal by: Rollings Commercial Ltd

Appeal against: Refusal

Appeal procedure requested: Written Representations

Appeal Start Date: 04.05.2017

Application Number: FUL/MAL/17/00003 (APP/X1545/W/17/3171404)

Site: Units 1 And 2 Old Maltings Hall Road Heybridge

Proposal: Change of use to a mixed used of B1/B2/D2

Appeal by: Miss Martyna Jackowska

Appeal against: Refusal

Appeal procedure requested: Written Representation

Appeal Start Date: 09/05/2017

Application Number: WTPO/MAL/16/01478 (APP/TPO/6087)

Site: D'Arcy Court - Maldon

Proposal: T1, T2, T3 - Common Lime - Crown reduce by cutting back to the previously cut points. Continue practice of cutting back basal epicormic shoots. Remove any dead wood.

Appeal by: D'Arcy Court Maldon Ltd

Appeal against: Refusal

Appeal procedure requested: Fast Track Appeal

ITEM 2 APPEAL DECISIONS

Notification has been received from the Planning Inspectorate of the following appeal decisions.

HOUSE/MAL/16/01090 (Appeal Ref: APP/X1545/D/17/3169620)

Proposal: Rooms in roof

Address: 52 Victoria Road - Maldon

APPEAL DISMISSED – 2 May 2017

DECISION LEVEL: Delegated