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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

12 September 2017

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 20 SEPTEMBER 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 'Fiona 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 20 SEPTEMBER 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 14)

To confirm the Minutes of the meeting of the Committee held on 23 August 2017, (copy enclosed).

4. **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).

5. **FUL/MAL/17/00428 - Flat at 11-14 The Kings Head Centre, 38 High Street, Maldon** (Pages 15 - 22)

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

6. **HOUSE/MAL/17/00643 - 8 St. Paul's Mews, Heybridge, Maldon** (Pages 23 - 30)

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

7. **FUL/MAL/17/00798 - 16 High Street, Maldon, Essex CM9 5PJ** (Pages 31 - 38)

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

8. **FUL/MAL/17/00865 - Happy Days Caravan Park, Goldhanger Road, Heybridge, Essex** (Pages 39 - 52)

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

9. **Other Area Planning and Related Matters** (Pages 53 - 54)

To receive the notification from the Planning Inspectorate of the following:

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

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

11. **Exclusion of the Public and Press**

To resolve that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves 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.

12. **Enforcement Update** (Pages 55 - 102)

To receive and note the report of the Chief Executive (copy enclosed).

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. 5 – 8.
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 Local Development Plan approved by the Secretary of State 21 July 2017
- Maldon District Replacement Local Plan 2008 – Saved Policies
- Burnham-On-Crouch Neighbourhood Development Plan (2017)*

* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

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
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

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 traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

ii) Essex County Council

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2015 / 16
- Planning Policy Advice Note (version 4) - October 2015
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (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
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

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
23 AUGUST 2017**

PRESENT

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

324. CHAIRMAN'S NOTICES

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

325. APOLOGIES FOR ABSENCE

There were none.

326. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 26 July 2017 be approved and confirmed.

327. DISCLOSURE OF INTEREST

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.

Councillor S J Savage declared a non-pecuniary interest in Item 7 - HOUSE/MAL/17/00643 – 8 St Pauls Mews, Heybridge, as he was a member of the same club that some of the involved parties attend.

Councillor Miss A M Beale declared a non-pecuniary interest in Item 7 - HOUSE/MAL/17/00643 – 8 St Pauls Mews, Heybridge, as she had spoken to some members of the public.

Councillor B E Harker declared a non-pecuniary interest in Item 7 - HOUSE/MAL/17/00643 – 8 St Pauls Mews, Heybridge, as he knew an objector and supporter.

Councillor I E Dobson declared a non-pecuniary interest in Item 6 - HOUSE/MAL/17/00636 – 32 Kingston Chase, Heybridge, as he knew the applicant.

The Committee received the reports of the Chief Executive and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

328. LBC/MAL/17/00464 - EDWARDS WALK, MALDON

Application Number	LBC/MAL/17/00464
Location	Edwards Walk, Maldon
Proposal	New street surface in covered pedestrian walkway and render to be applied to existing red brick walls.
Applicant	Mr Giles Ford
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	28 August 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, Giles Ford the Applicant, addressed the Committee.

There was a proposal in the name of Councillor S J Savage to refuse this application; this was seconded by Councillor M S Heard.

The Chairman put the Officer's recommendation to the vote and the results were 4 against and 4 for, so the Chairman cast the deciding vote and voted in favour of the officer's recommendation.

RESOLVED that this application be **GRANTED LISTED BUILDING CONSENT** 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 **A17510-ELE PROPOSED, A17510-ELE EXISTING LOCATION PLAN, A17510-DD 01, MC5414**/specifically referenced on this decision notice as well as the submitted detailed specifications.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application. Specifically this comprises Flooring: Del Conca, ceramic paving ref: HMN201 in Beige Wall Render: K Rend, Silicon Coloured Render.

4. This permission approves only the development described in the application and shall not be construed as giving approval for any changes to the shop facades in High Street, Maldon or for any associated Advertisement Consent.

329. HOUSE/MAL/17/00636 - 32 KINGSTON CHASE, HEYBRIDGE

Application Number	HOUSE/MAL/17/00636
Location	32 Kingston Chase Heybridge
Proposal	Extension and garage conversion
Applicant	Mr D McGoldrick
Agent	Mr S Reagan
Target Decision Date	EOT 30.08.2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	HEYBRIDGE 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 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 drawing: D Goldrick 003, D Goldrick 001,
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
4. Prior to the commencement of the development, details shall be submitted to and approved in writing by the local planning authority, showing the details of any flood proofing, resilience and resistance techniques, in accordance with 'Improving the flood performance of new buildings' CLG (2007) and also showing that the floor levels within the proposed development will be set no lower than the existing levels. The approved scheme shall be undertaken and completed prior to the first use of the development and shall be retained as such thereafter.

330. HOUSE/MAL/17/00643 - 8 ST. PAUL'S MEWS, HEYBRIDGE

Application Number	HOUSE/MAL/17/00643
Location	8 St Pauls Mews, Heybridge, Essex, CM9 4QZ
Proposal	Proposed side facing roof windows
Applicant	Gormer & Ms Macmaster
Agent	Mr David Jones - Alun Design Consultancy
Target Decision Date	24.08.2017
Case Officer	Mahsa Kavyani; TEL: 01621 875744
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

Following the Officer's presentation of the report, Elaine Hammans, an objector and Sharon Conway, a supporter, addressed the Committee.

The Officer drew to the Members attention the recommendation in the Members' update, which read as follows:

Delegate Authority to the Chief Executive to **APPROVE** the application subject to the conditions set out at Section 8 of the report provided that the 21 day consultation period for those people that have been identified by the applicant as owners of the land expires without any new material considerations being raised.

However the Members agreed to defer this application pending the 21 day consultation period and to conduct a Member's site visit during that period.

331. HOUSE/MAL/17/00652 - 7 TENNYSON ROAD, MALDON

Application Number	HOUSE/MAL/17/00652
Location	7 Tennyson Road Maldon
Proposal	First floor side extension & replace rear flat roof
Applicant	Mr Alan Taylor - Blue Door Solutions Ltd
Agent	Mr & Mrs C Raper
Target Decision Date	23.08.2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Parish Trigger

The Members attention was drawn to the Members' update for a proposed alteration to the reason for condition 3.

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 drawing: 7RT/8/16 – 10B.
3. Notwithstanding the details shown within the application, the external surfaces of the extension hereby approved shall be constructed of materials and of a finish to match the existing dwelling.

332. FUL/MAL/17/00684 - 99 WOOD ROAD HEYBRIDGE

Application Number	FUL/MAL/17/00684
Location	99 Wood Road, Heybridge
Proposal	Replacement windows - timber single glazed to UPVC double glazed. Replacement doors to rear elevation (West) - timber to aluminum. Replacement of timber soffits, fascias & barge boards with UPVC.

Applicant	Mr David Rust - Maldon District Council
Agent	-
Target Decision Date	EOT: 25.08.2017
Case Officer	Mahsa Kavyani; TEL: 01621 875744
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Councillor / Member of Staff

A question was raised as to whether this was a Council application or whether it was an application by a member of staff. The officer clarified that this was a Maldon District Council application.

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, SATS/560/03.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

333. **FUL/MAL/17/00754 - 37 WARWICK DRIVE, MALDON**

Application Number	FUL/MAL/17/00754
Location	37 Warwick Drive, Maldon
Proposal	Remove existing steep ramp, construct new level platform to receive Terry Steplift 500 wheelchair lifting platform. Widen front entrance door. To allow wheelchair access for disabled tenant.
Applicant	Christine Dispirito - Maldon District Council
Target Decision Date	08.09.2017
Case Officer	Nicola Ward, TEL: 01621 875864
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Maldon District Council Application

A question was raised as to whether this was a Council application or whether it was an application by a member of staff.

The officer clarified that this was a Maldon District Council application.

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 LOCATION PLAN, BLOCK PLAN, PROPOSED GROUND FLOOR PLAN, PROPOSED ELEVATIONS and LANDSCAPING
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
4. The hedges identified on the approved plan drawing reference LANDSCAPING which is attached to and forms part of this permission shall be planted during

the first planting season following from the completion of the proposed development. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement 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.

334. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received and noted the report of the Chief Executive on the following matters:

Appeals Lodged

It was noted that the following appeals had been lodged with the Planning Inspectorate:

Appeal Start Date: 26/07/2017
Application Number: HOUSE/MAL/17/00087 (APP/X1545/D/17/3177175)
Site: 39 Orchard Road Maldon
Proposal: New garage to front elevation adjoining the existing semi-detached house, maintaining rear access through new rear door garage.
Appeal by: Mr Stephen Hoy
Appeal against: Refusal
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Decisions

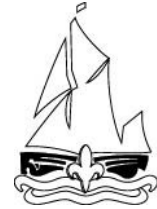
It was noted that the following Appeal Decisions had been received from the Planning Inspectorate:

FUL/MAL/17/00003 (Appeal Ref: APP/X1545/W/17/3171404)
Proposal: Change of use to a mixed used of B1/B2/D2
Address: Units 1 And 2 Old Maltings, Hall Road, Heybridge, Essex, CM9 4NJ
Decision Level: Delegated
APPEAL ALLOWED – 31 July 2017

ADV/MAL/16/01066 (Appeal Ref: APP/X1545/Z/17/3171512)
Proposal: Advertisement consent for company logo sign.
Address: Unit 4 Home Farm Industrial Estate, Colchester Road, Heybridge, Essex, CM9 4NL
Decision Level: Delegated
APPEAL ALLOWED – 16 August 2017

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

B E HARKER
CHAIRMAN



**REPORT of
CHIEF EXECUTIVE**

to
CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017

Application Number	FUL/MAL/17/00428
Location	Flat At 11 - 14 The Kings Head Centre, 38 High Street, Maldon
Proposal	Change of use from office to 1 bedroom flat
Applicant	Mr. James Mann - James Mann Ltd
Agent	-
Target Decision Date	17 August 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

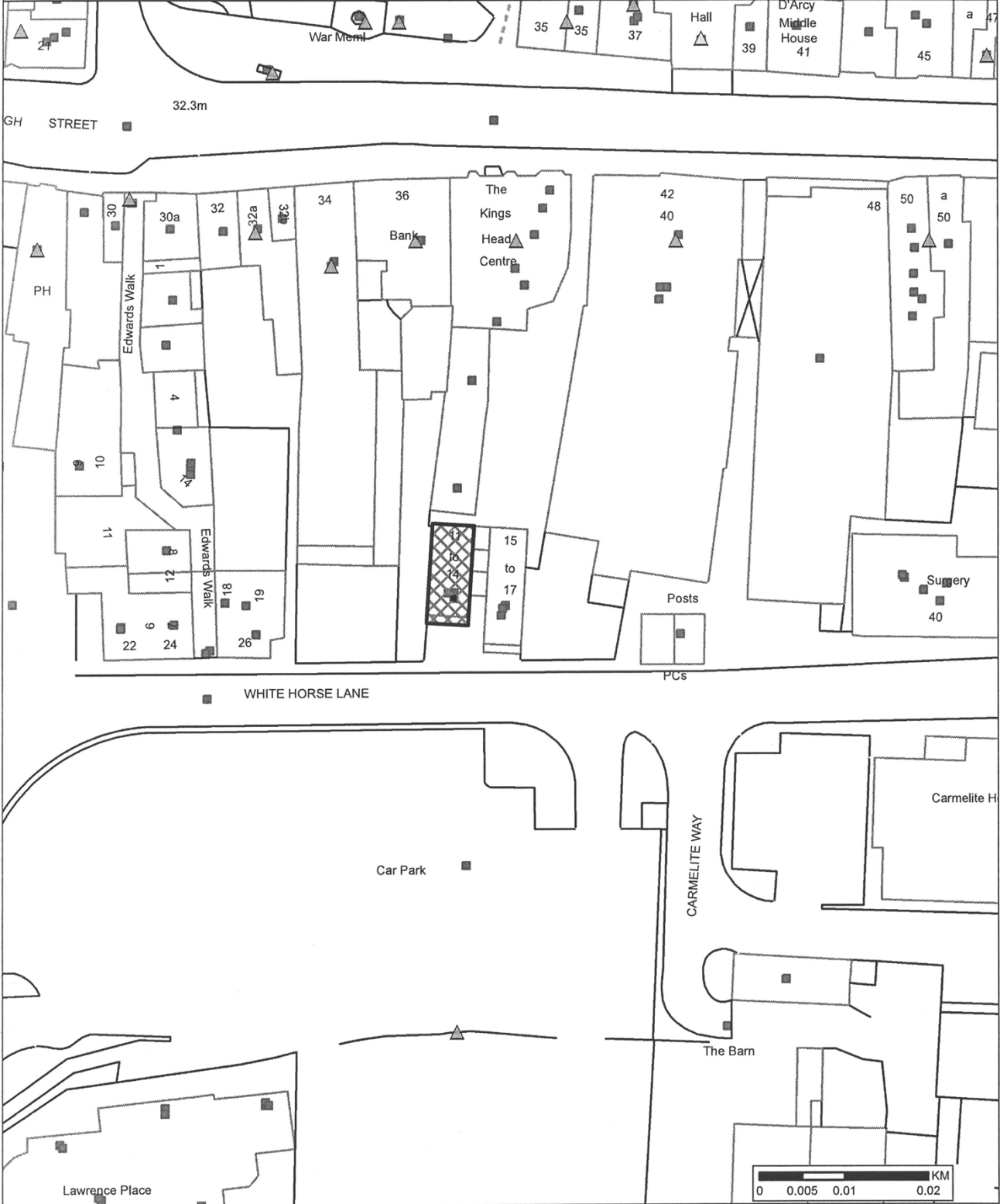
1. RECOMMENDATION


APPROVE subject to the conditions as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Flat At 11-14 The Kings Head Centre - 38 High Street
Maldon FUL/MAL/17/00428



 <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> <p>www.maldon.gov.uk</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Committee
	Date:	07/09/2017
MSA Number:	100018588	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is part of the King's Head Centre. The King's Head Centre extends between the High Street to the north and White Horse Lane to the south and is located within the settlement boundary, the Conservation area and the Town Centre boundary of Maldon. There is a pedestrian walkway through the site with A1, A2 and A3 uses fronting it. Above ground floor level A2 and B1(a) uses prevail. The property is situated at the second floor level within the south western corner of the site. It has an exclusive pedestrian access from an alley in front of the northern elevation of this element. There is a public car park on the opposite side of White Horse Lane. The drawings indicate that the premises were last used as an office.
- 3.1.2 Planning permission is sought for the change of use of the site from Use Class B1(a); Offices to Use Class C3; Dwellinghouse. Specifically this is for a one bedroom flat.
- 3.1.3 No structural alterations are required and the unit already contains a separate bathroom, fitted kitchen corner and separate room for a bedroom.

3.2 Conclusion

- 3.2.1 It is considered that the proposed change of use of this small unit would not have an adverse impact on the commercial vitality and viability of the town centre. The scale of the proposed use would result in a small, town centre residential unit in a sustainable location with access to public parking and transport. Additionally, as no external works are proposed, the proposal would not harm the character and appearance the Conservation Area and it is not considered that the proposed change of use would affect the amenity of neighbouring occupiers. It is, therefore, considered that the proposed change of use is in accordance with policies S1, S8, D1, D3 and E2 of the approved Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

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:

- 14, 49 and 59

4.2 Maldon District Local Development Plan:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E2 Retail Provision

4.3 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 The building that comprises the application site forms part of a development known as Edwards Walk which includes retail units at ground floor level with a pedestrian walkway and a mix of small, first and second floor office and residential units. The unit subject of this report was originally designed and built as an office but subsequently permission was granted for residential use which was implemented. This was then superseded by a further application for change of use to an office which was also implemented.
- 5.1.2 The current permission seeks to return the use back to residential (Use Class: C3) accommodation.

5.2 Principle of Development and Change of Use of a Commercial Building

- 5.2.1 The site is located within Maldon Town Centre and so is in a highly sustainable location close to shops, employment opportunities, medical and public transport facilities and the High Street is identified as a core shopping frontage. However, the property is at second floor level and effectively looks out onto White Horse Lane which is not a core shopping frontage.
- 5.2.2 Policy E1 within the LDP supports economic growth within the District and encourages employment generating developments to support long term growth. Proposals which cause the loss of existing employment uses whether the sites are designated or undesignated will only be considered if the relevant criterion are met.
- 5.2.3 The relevant criterion are as follows:
- The present use and activity significantly harms the character and amenity of the area, or
 - The site would have a greater benefit to the community if an alternative use were permitted, or
 - Effective marketing at a commercial rate has been undertaken and it is demonstrated that the continuous use of the site for employment purposes is no longer viable taking into account the site's existing and long term market demand and potential.
- 5.2.4 These criterion are similar to that required by the previous adopted Replacement Local Plan and the direction of travel remains constant in the now approved LDP. However, whilst no significant detrimental impact is considered to result from the commercial use of the premises and no supporting information has been submitted in

terms of marketing or lack of commercial interest in the unit, the previous planning history of this particular site is considered to be of relevance in this instance.

- 5.2.5 Within the two previous applications (referenced in a subsequent section of this report), the change of use between residential and commercial use was considered acceptable and as previously stated, whilst it is acknowledged that since that time, the local planning authority is in receipt of the approved LDP there are very limited differences between the previous proposals for change of use to that of residential accommodation to that subject of this report.
- 5.2.6 Furthermore, the Government has now made provision for change of use of such units to that of residential accommodation through the prior approval route. Though a cursory assessment of the criterion for that provision, it is considered likely that such an application would meet the requirements. This is considered to be a fallback position that is a material consideration when determining this application.
- 5.2.7 Therefore, taking into account the site specific constraints, local policy and Government provision and the very individual circumstances of the history of this specific unit, it is considered on balance that approval should be recommended.

5.3 Scale, Design and Impact on the Character of the Area

- 5.3.1 There would be no external change to the existing building on the site and it is not considered that a change of use would result in significant impact upon the character and appearance of the local area.
- 5.3.2 No physical alterations are proposed as part of the change of use. Therefore, the change of use is not considered to cause any harm to the significance or special character of the building or the Conservation Area.
- 5.3.3 As such, the proposed change of use would be compliant with policy D1 of the approved LDP and of the NPPF.

5.4 Effect on amenity of neighbouring occupiers

- 5.4.1 Given the existing use of the site as B1(a) Use and its small scale, no significant impact is considered to result from the use of the unit for residential accommodation. Furthermore, the nearest adjacent commercial unit is below the unit.
- 5.4.2 The development is therefore considered to be in accordance with the stipulations of policy D1 of the LDP.

5.5 Access, Parking and Highway Safety

- 5.5.1 In order to be considered acceptable, development must comply with approved policy T2 which ensures the provision of off-street parking is in line with adopted vehicle parking standards. Whilst there would be no parking provision, the site would meet the requirements of the Maldon District Adopted Vehicle Parking Standards for Use Class C3 which states that, for the conversion of upper storeys above commercial premises to residential flats, these may be permitted with no vehicle parking. As residential use has previously been permitted and it is a town centre location within

close proximity to public services and facilities, the lack of a designated parking space is considered acceptable in this instance.

5.5.2 The scheme is therefore considered to meet the criteria of approved LDP policy T2.

5.6 Other Considerations

5.6.1 It is noted that the Town Council and the Council's Economic Development service have objected to the proposal as they consider the application would lead to the loss of a town centre commercial unit. However, when considering the small size and scale of the unit and its manifold planning history of both commercial and residential use, a refusal on the loss of commercial provision is not considered to warrant a reason for refusal or to be sustainable on appeal in this instance.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/14/00561** - Change of use from office to a 1 bedroom flat. Approved 31 October 2014.
- **FUL/MAL/15/01054** - Changing the use from residential to business, no changes to any of the structure. Approved 07 December 2015.

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. On the potential loss of commercial premises in the High Street.	The comments of the Town Council are noted and have been addressed in the report.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Economic Development	Object as the conversion would reduce the opportunity and demand for office space and therefore a negative impact on the economic growth in the Maldon District.	The comments of the Economic Development Team are noted and have been addressed in the report.

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>No Objection.</p> <p>The change of use would cause no harm to the significance or character and appearance of the Conservation Area.</p>	The comments of the Conservation Officer are noted.

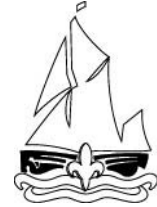
7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No representations have been received.

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 drawings referenced; **Location Plan** and **0515 12A** which are specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with the National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.

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**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	HOUSE/MAL/17/00643
Location	8 St. Paul's Mews, Heybridge, Essex, CM9 4QZ
Proposal	Proposed side facing roof windows
Applicant	Gormer & Ms Macmaster
Agent	Mr David Jones - Alun Design Consultancy
Target Decision Date	24.08.2017
Case Officer	Mahsa Kavyani, TEL: 01621 875744
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

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

Please be aware that this item was deferred for consideration at the previous Central Area Planning Committee Meeting of 23 August 2017 in order for a site visit to take place. The following report has been updated to incorporate the items previously included within the previous Members' Update.

2. SITE MAP

Please see overleaf.

8 St Pauls Mews
 Heybridge HOUSE/MAL/17/00643



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 Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 07/09/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of St. Paul's Mews and close to the junction with Lake Mead. The site lies within the settlement boundary of Heybridge East within the Chelmer and Blackwater Navigation Conservation Area.
- 3.1.2 The site comprises an end-of-terrace two storey dwelling set within the residential street of St. Paul's Mews. The private garden of the dwelling lies to the rear of the property on the western side. The property sits alongside the rear gardens of properties No.6 and No.4 to the north and property No.10 to the south.
- 3.1.3 The proposal seeks planning permission for side facing roof windows to the north facing roofscape.

3.2 Conclusion

- 3.2.1 The proposal is to install 4 roof windows to the side of the roof slope on the northern side. The proposed development would not result in significantly detrimental impact on the amenity of neighbouring occupiers, due to the positioning on the roof slope of those windows and their setting well above the eye-line of the occupiers of the dwelling.
- 3.2.2 Furthermore, the proposed roof windows are not considered to cause harm to the streetscene and would preserve the character and appearance of the Conservation area.

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:

- 56-68

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State:

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood risk

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATION

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 Policy D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and impact on the character and appearance 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 should be sought to create a high quality built environment for all types of development.

5.2.2 A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.

5.2.3 The Council seeks to preserve and enhance the characteristics of the conservation area that make a significant contribution to the area. Therefore, existing features of the area and its buildings, which contribute to the character and appearance of the area, should be retained and original external features of buildings should be repaired rather than replaced.

5.2.4 The proposal involves the installation of four roof windows. The proposed windows would not protrude more than 150 mm beyond the plane of the roof slope, they are no higher than the highest part of the roof and they will be located on the side elevation of the property. Whilst the proposed windows are visible within the streetscene and surrounding properties, due to the scale of the roof windows and the presence of them on properties within the vicinity of the site, it is considered that the development would preserve the character and appearance of the Conservation Area. It is also noted that the Conservation Officer has raised no objection.

5.3 Impact on Residential Amenity

5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas and local context. The proposed windows would protrude from the roof slope by a maximum of 150 mm, which is considered acceptable, and furthermore would not materially change the existing built form of the roof. The proposed windows would be set at 1.7 metres above the floor of the room in which the windows are to be installed and therefore above the eye level. It is therefore unlikely that the proposed development would cause overlooking, overshadowing or appear dominating in relation to the neighbouring properties. Therefore the proposal is in accordance with Policy D1 of the LDP and is considered acceptable.

5.4 Access, Parking and Highway Safety

5.4.1 The proposal will not impact access to the site, parking or highways safety.

5.5 Amenity Space

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m². The proposed development would increase the number of bedrooms within the site from two bedrooms to three bedrooms. The current garden size is approximately 75m² which is above the current minimum requirement, but below the minimum requirement once the proposed development is implemented. However, on balance, the amenity space provision is reasonable and able to meet the needs of the future occupiers. Therefore, the proposal is not considered to have such a detrimental impact on amenity as to warrant a reason for refusal.

5.6 Flood Risk

- 5.6.1 Policy D5 of the approved LDP requires all development to minimise the risk of flooding. However, as the proposed development does not involve any new buildings it is not a relevant consideration for this application.

5.7 Other Material Considerations

- 5.7.1 It should be noted that the covenants imposed on a development by a previous landowner are not a material planning consideration. Therefore, covenants should be afforded no weight in the assessment of a planning application.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/06/00482** – Condition 22 removed Permitted Development rights for insertions into the roof.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Loss of amenity and change of streetscene.	Addressed at points 5.2 and 5.5 above.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections raised.	Acknowledged.

7.3 Representations received from Interested Parties (*summarised*)

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

- A J Sinclair FRICS: 31 Battle Rise, Heybridge, Essex, CM9 4PF
- Mr Kevin Inskip: 4 Lake Mead, Heybridge, Maldon, Essex CM9 4UJ
- Mrs Deborah Starling: 7 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- Mrs Elaine Hammans: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- Mr Les Hammans: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- M J Emson: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ

Objection Comment	Officer Response
Obtrusive and overpowering.	These points are addressed within sections 5.2.4, 5.4 and 5.6.
Loss of privacy to the garden and the rear rooms of No. 6.	
The location of the windows in the roof slope are out of keeping to the Conservation Area.	
Number of windows proposed is excessive.	
Increased parking problems.	
The application form was completed incorrectly as Ownership Certificate B should have been completed rather than Ownership Certificate A.	Resolved through the applicant amending the application form and notifying the relevant other landowners of the application.

7.3.2 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 Sharon Conway: 10 St Pauls Mews, Heybridge, Maldon, Essex CM9 4QZ
- Mr Cliff Mills: 3 St Pauls Mews, Heybridge, Maldon, Essex CM9 4QZ

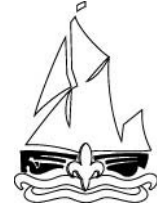
Supporting Comment	Officer Response
Parking issues would not be exacerbated and the loft conversion would not affect the amenity of the area.	Addressed 5.2, 5.3 and 5.3.
The four rooflights would not impact upon parking.	
The windows face upwards and so children would not be able to hang out of them.	
The issue of affordable housing is of no relevance to the proposal.	
Comments previously made have been removed from the Council's website.	
Three objections from one property should be treated as one objection.	

Supporting Comment	Officer Response
The Parish Council should not have objected to the application.	
The children that live at the property have been well-brought up and are polite children.	

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: GM/3937/17/PL-01.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.

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**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00798
Location	16 High Street, Maldon, Essex
Proposal	Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats.
Applicant	Mr Salisbury
Agent	Ashley Robinson
Target Decision Date	25.09.2017
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

16 High Street
Maldon FUL/MAL/17/00798



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Committee
Date:	07/09/2017
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located towards the northern end of the High Street within an area where retail uses at ground floor level predominate.
- 3.1.2 The proposal is described as ‘Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats.’
- 3.1.3 As part of the proposal, an A1 shop unit would be retained on the property’s High Street frontage at ground floor level. A porch would be added to the rear elevation of the building. The existing rear yard area would be retained and forms part of the application site.
- 3.1.4 The application is accompanied by a biodiversity checklist and a bat survey.

3.2 Conclusion

- 3.2.1 Having assessed the proposal, it is considered that the proposed development would be acceptable in terms of the principle of the change of use, the impact on the character and appearance of the Conservation Area, the impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed residential units and parking provision. On this basis, the proposal complies with the relevant Policies of the Approved 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:

- Core Planning Principles
- Section 2 Ensuring the vitality of town centres
- Section 7 Requiring Good Design
- Section 12 Conserving and Enhancing the Historic Environment

4.2 Maldon District Approved Local Development Plan 2017:

- Policy S1 – Sustainable Development
- Policy S5 – Maldon and Heybridge Central Area
- Policy D1 - Design Quality and the Built Environment
- Policy D3 – Conservation and Heritage Assets
- Policy H4 – Effective use of Land
- Policy E2 – Retail Provision

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 These premises are not situated in the core shopping area as identified in the Local Development Plan. Whilst the existing use of the property is a restaurant, prior to this, the property was in use for office purposes. The proposal includes a retail unit at ground floor level with a retail frontage retained on the High Street elevation of the property. Whilst the retail unit would be small in size (around 16sq.m.) as a non-A1 retail use would not be lost as a result of the proposal, it is not considered that an objection to the proposal on the basis of harm to the vitality and viability of the High Street could be sustained in this case. On this basis, the proposal is not contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The application site is located in the Maldon Conservation Area. The current proposal does not include any alterations to the High Street elevation of the building but, to the rear, a small porch would be added, the fenestration pattern would be altered and an existing outbuilding would be removed. As a result of the nature, location and extent of the external changes proposed to the building, it is considered that the proposal would, at least, preserve the character and appearance of the Conservation Area, subject to conditions requiring that, contrary to the proposal as submitted, all new windows and doors are painted timber only and slate is used to cover the roof of the new porch. On the basis of the above, the proposal complies with policies D1 and D3 of the Maldon District Approved Local Development Plan. Details of means of enclosure of the rear yard area could also be required by condition.

5.3 Impact on Residential Amenity

- 5.3.1 There do not appear to be any residential properties immediately adjoining the site and the proposed use is considered to be appropriate to the mixed character of this commercial area. As a result of the nature of the proposal and the limited extent of physical changes to the exterior of the building, it is considered that the development would not have an adverse impact on the amenity of any adjacent neighbours by way of privacy, loss of outlook, loss of daylight or loss of sunlight. The proposal is, therefore, compliant with Policy D1 of the Maldon District Approved Local Development Plan.

5.4 Access, Parking and Highway Safety

- 5.4.1 There would be no off-street parking provision as part of the development. The lawful use of the whole of the existing building is as a restaurant. The proposal would convert the building into three residential flats and one retail unit. The Maldon Vehicle Parking Standards allow for residential units within the town centre to be provided with no off street parking spaces and the flats proposed would be small (only

being one bedroom units). The Highways Officer also raises no objection to the proposal. Given the number and size of residential units proposed and the existing use of the property, no objection is raised to the proposal on the basis of a lack of off-street parking provision, in compliance with Policy D1 of the Maldon District Approved Local Development Plan.

5.5 Quality of Life

- 5.5.1 The occupiers of the proposed flats would have access to an existing rear yard area (measuring a maximum of around 11m x 8.5m) which would provide external amenity space for the new residents. There would not be any off-street parking provided as part of the development but it is not considered, given the town centre location of the site, that this would result in an unacceptable quality of life for the occupiers of the proposed flats.
- 5.5.2 With reference to the floor space of the flats proposed, the flats would each accommodate between around 34 and 38sq.m. The proposed flats would be small. However, this local planning authority has not adopted the National Space Standards or other policies or design guidance which would justify a refusal of planning permission on the basis of the limited floorspace of the flats proposed.
- 5.5.3 On the basis of the above, the proposal is not contrary to Policy D1 of the Maldon District Approved Local Development Plan.

5.6 Other Material Considerations

- 5.6.1 The application is accompanied by a biodiversity checklist and a bat survey declaration which states that there are no bats at the property. On this basis, it is not considered that biodiversity is an issue in this case.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/01/01002** - Change of use of ground and first floor offices (Class A2) to restaurant (Class A3). Approved 11.01.02.
- **FUL/MAL/01/0902** - November 2001 - change of use of first floor of 14/16 High Street into 2 self-contained flats. Approved 29.11.01.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal of this application due to the loss of commercial premises on the ground floor in the town centre.	The proposal includes a Class A1 retail unit at ground floor level fronting the High Street.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	Noted.
Essex Bat Group	No response at the date of this report	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections subject to conditions	Noted
Environmental Health	No objections	Noted

7.4 Representations received from Interested Parties

7.4.1 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:

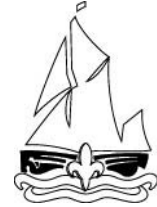
- Maldon Society c/o 12 The Courtyard, Spital Road, Maldon

Supporting Comment	Officer Response
The Maldon Society supports the conversion of upper floors and rear of properties in the High Street to form small dwellings which will meet a local housing need and help to ensure properties are well maintained. Due to High Street location, requirements for parking provision and amenity space can be relaxed. May be possible to create a viable commercial property at the front on the ground floor – qualified support is given to this element of the proposal. Restaurants needing high footfall have mixed fortunes at this end of the High Street, being without access to obvious parking.	Noted.

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 and County 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 The retail floorspace of the live/work unit shall be finished ready for occupation before the residential floorspace is occupied and the residential use shall not precede commencement of the retail use.
REASON: In the interests of the vitality and viability of the town centre
- 4 The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the retail floorspace of that unit, a widow or widower of such a person, or surviving civil partner or any resident dependants.
REASON: In the interests of the vitality and viability of the town centre.
- 5 Notwithstanding the submitted details, the roof of the new porch hereby permitted shall be covered using natural slate only. No development shall take place until 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 protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.
- 6 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the occupation of the development to which it relates and retained as such thereafter.
REASON: To protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.
- 7 All new doors and window shall be in timber with a painted finish and shall be retained as such thereafter.
REASON: To protect the amenity and character of the area in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan.

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**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	FUL/MAL/17/00865
Location	Happy Days Caravan Park, Goldhanger Road, Heybridge, Essex
Proposal	Vary condition 2 on approved application F/MAL/514/93 (Retention of consent ref: MAB/111/60 without compliance with condition 1 to allow) Vary condition of planning permission to extend the permitted holiday season to 11.5 months
Applicant	Mr & Mrs Peter Norburne - Happy Days Caravan Park
Agent	N/A
Target Decision Date	29.09.2017
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

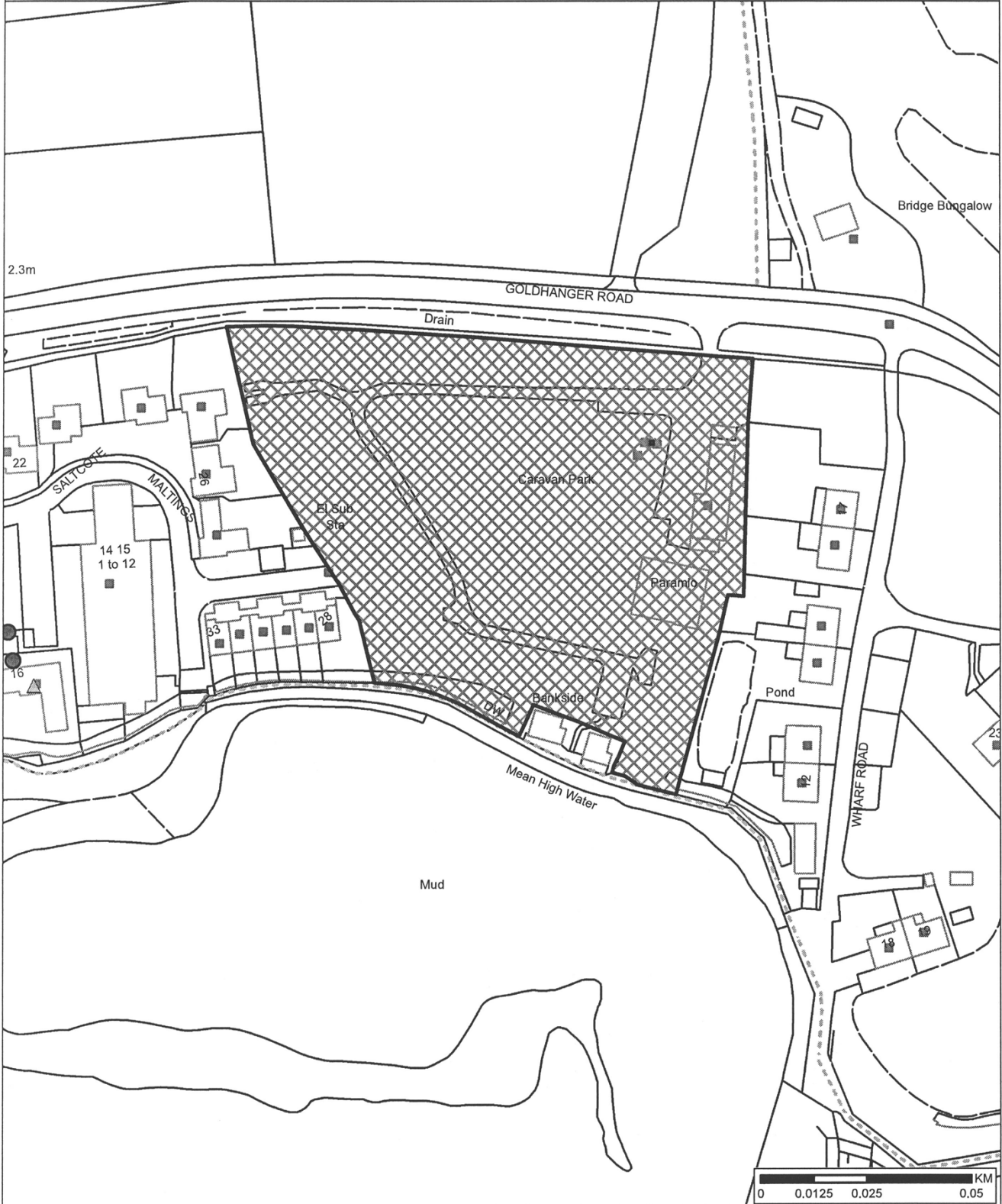
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Happy Days Caravan Park - Goldhanger Road
 Heybridge FUL/MAL/17/00865



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	Organisation:	Maldon District Council
	Department:	Planning Services
	Comments:	Central Committee
	Date:	07/09/2017
www.maldon.gov.uk	MSA Number:	100018588

3. SUMMARY

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

3.1.1 Happy Days Caravan Park is located to the south of Goldhanger Road and to the north of the River Blackwater outside of a defined settlement boundary, located east of Heybridge, north of Heybridge Basin and west of Goldhanger. There is a National Cycle Route which runs parallel to the northern boundary and a public footpath to the southern boundary of the site. Beyond the public footpath, is the Blackwater Estuary where it is designated as Special Areas of Conservation (SAC), a Site of Special Scientific Interest (SSSI) and an internationally recognised RAMSAR site. The site also lies in an area of flood risk.

3.1.2 The application site is approximately 0.95ha and is occupied by 30 static caravans, a two storey dwelling, single storey office and workshop, minor access ways and open grassed areas. Access to the site is via the B1026 Goldhanger Road.

3.1.3 Planning permission is sought to vary Condition 2 of extant permission MAL/514/93 which relates to the season which the caravan park operation can function.

Condition 2 of MAL/514/93 currently reads:

“The caravans shall not be used for human habitation between 30th November in any one year and 1st March in the following year.”

3.1.4 The reason for the imposition of this planning condition is that the site is within an area where it is the policy of the planning authority to prevent permanent residential use. Planning permission is given in this instance for holiday use only.

3.1.5 It is proposed to vary the condition to read:

“This application is to vary condition of planning permission to extend the permitted holiday season to 11.5 months. This would include the Christmas and New Year period as part of the holiday season.”

3.1.6 This planning application is a resubmission following a recent refusal of planning application: FUL/MAL/16/00491. The application was to vary Condition 2 on approved planning permission FUL/MAL/93/00514 and was refused for the following reasons:-

1 ‘The closure of the park for a period of only 14 days is not a sufficient deterrent to prevent users from having their primary residency within the site. The use of the site for permanent residential accommodation is objected to because the site is remote from services and facilities, and would encourage reliance on the private car for journeys; the site is also in an area at high risk of flooding and fails the sequential and exception test as set out within the National Planning Practice Guidance. The proposal is contrary to policies S2, H1 and CON5 of the adopted Maldon District Replacement Local Plan and policies S1, H4 and D5 of the emerging LDP and guidance contained within the NPPF.’

- 2 *‘The submitted Flood Risk Assessment is inadequate; failing to a suitable basis for assessment to be made of the flood risks arising from the proposed development. On this basis, the application fails to comply with CON5 of the Maldon District Replacement Local Plan, Policy D5 of the submitted Local Plan and the National Planning Policy Framework.’*

3.1.7 The current application seeks to address the above reasons for refusal.

3.2 Conclusion

3.2.1 It is considered that there is no objection to the principle of extending the opening season for the caravan for holiday purposes and there are no flood risk, ecology, residential amenity or highway issues in accordance with policy E5 of the Maldon District Local Development Plan (LDP) and Government advice contained in the National Planning Policy Framework (NPPF). Further, this approach of extending the opening season for the caravan for holiday purposes would be in line with caravan sites such as Mill Beach Caravan Park, Osea Caravan Park and Eastland Meadows where such consent has been granted by the Council and the Planning Inspectorate.

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, 94, 99, 100, 102, 103, 109

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- Policy S1 - Sustainable Development
- Policy S7 - Prosperous Rural Communities
- Policy S8 – Settlement boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy D5 – Flood Risk and Coastal Management
- Policy E5 – Tourism
- Policy H4 - Effective Use of Land
- Policy N2 - Natural Environment and Biodiversity
- Policy T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)
- National Planning Policy Framework (NPPF)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application site has an established use as a caravan park for holiday purposes. Therefore, the general principle of development has already been accepted. The main issue in this application is whether the varying of Condition 2 and extending the opening season to 11.5 months would impact on the Council's ability to prevent permanent occupation of the caravan site in the interests of protecting the countryside and restricting unsustainable development in rural areas; and maintaining the tourism nature of the site.
- 5.1.2 Within the National Planning Policy Framework (NPPF) there is a presumption in favour of sustainable development (the 'presumption') which is central to the policy approach in the Framework, as it sets out the Government's changes to the planning system and emphasises the need to plan positively for appropriate new development. The NPPF replaces Local Plan policies that do not comply with the requirements of the NPPF.
- 5.1.3 It is necessary to assess whether the proposed development is 'sustainable development' with regard to three dimensions defined in the NPPF, which are an economic, social and environmental role. If the site is considered sustainable then the NPPF's 'presumption in favour of sustainable development' applies.
- 5.1.4 Section 3 of the NPPF seeks to support a prosperous rural economy. This includes '*supporting sustainable rural tourism and leisure developments that benefit businesses in rural areas*'. There is limited guidance contained in the NPPF and NPPG on tourism and the Good Practice Guide on Tourism, withdrawn on 7 March 2014, has now been replaced by the national guidance in the National Planning Practice Guidance.
- 5.1.5 The existing use of the site would offer benefits to the local economy from tourism and the potential increase in the number of visitors to the area. The proposed increase in opening times would provide possible benefits from an economic perspective, as it would allow additional visitor trips to the site and the District, throughout the year, which could increase footfall to local shops and services during these times. This would be of benefit from a sustainability perspective.
- 5.1.6 In environment terms, the impact of the proposal on the locality is examined below. Regard must also be given to the designations in the Estuary and any impact that could result to the important nature conservation sites, if planning permission were granted.
- 5.1.7 From a social perspective, the proposal would help to meet needs of current and future generations, specifically tourists, and with increased economic benefits, could assist in creating a high quality built environment in the Maldon and Heybridge area.
- 5.1.8 In terms of sustainability, the site is located in a rural location but this is an existing caravan park on site which is operational and provides benefits to the local tourism economy of the District.

5.2 Tourism Considerations

- 5.2.1 Policy E5 of the Local Development Plan (LDP) seeks to support tourism providing there is a need, there are good connections to other tourist destinations, and there would be no significant impact on the character and appearance of the area, and the natural and historic environment. The policy is silent on caravan site uses and their occupation.
- 5.2.2 In previous planning applications where the proposals were to vary or to extend the period of opening on caravan parks and were approved, the material considerations were based on the appeal decision at Eastland Meadows where the Planning Inspector had allowed an all year round occupancy for the site subject to conditions. Since that appeal decision, this approach was taken when considering similar applications at Mill Beach Caravan Park and Osea Caravan Park where they both applied to extend their period of opening. Whilst there are no specific policies relating to caravan sites, in terms of the policy requirements, these do need to be considered fully in order to ensure that there is no impact on the local environment, any protected habitats, conservation sites or wildlife, and to ensure that the site is appropriately connected to nearby sites.
- 5.2.3 No demonstrable need for the proposal has been expressed in the planning application. In the planning statement submitted in support of the application, it states that the variation of condition would be in line with the industry standard, to keep the business competitive, viable and adapt to market trends, reflective of the requests of caravan and site users and to reflect other sites in the area from, effectively, a competition perspective. However, the site has good connections to other tourism facilities in the immediate area including other caravan parks, local amenities and tourist attractions such as Heybridge Basin and the Promenade Park at Maldon which is supported by the policy.
- 5.2.4 In the previous application FUL/MAL/16/00491, the Council was not convinced that the closure of the site for a period of 14 days would prevent the caravans from being used for permanent residential accommodation. In this resubmission, the Applicant has submitted supporting information to demonstrate that there are other caravan sites across the district where extending the holiday seasons has been accepted by the Council. As such, it is considered that the proposal would be broadly in line with the policy approach, and subject to the imposition of planning conditions similar to those which have been imposed in other planning applications at Mill Beach (reference: FUL/MAL/14/01030 - Approved on 13 April 2015), Osea Leisure Park (reference: 14/00264/FUL - Approved on 26 June 2014) and Eastland Meadows (reference: APP/X1545/A/09/2102289 – Allowed on 14 September 2009), would be considered acceptable in accordance with policy E5 of the LDP and Government advice contained in the NPPF. Also, this has addressed the first reason for refusal under application FUL/MAL/16/00491. These decisions are considered to carry more weight than the 2010 decision that formed the basis for the determination of planning application FUL/MAL/16/00491.

5.3 Occupancy Considerations

- 5.3.1 Historically, within the District, tourism accommodation sites such as caravan parks are controlled through the use of planning conditions to prevent permanent residential

usage of the site and in the interests of flood risk and to limit the impact upon ecology, where sites are located adjacent to protected wildlife areas which involve bird assemblages. Caravan parks have had seasonal occupancy conditions with sites across the District having an opening period between 1 March and 31 October or 30 November. In the past, the Council had relied on policy REC20 contained in the Maldon District Replacement Local Plan which occupation restrictions should be applied to such use. The national Good Practice Guide for Tourism was also a useful tool in determining such applications. However, this has since been superseded by the National Planning Practice Guidance (NPPG).

- 5.3.2 Since 2009, there has been a Planning Inspector's appeal decision and two approvals from the Council for the extension of holiday seasons on caravan parks across the Maldon District. These sites were subjected to planning conditions requiring the site to be used for holiday purposes only, that the accommodation is not used as a person's sole / main residence, and that an up to date register is maintained.
- 5.3.3 With regard to any concerns over permanent residential use of the site beyond holiday use, this would result in a breach of the planning conditions which the Council could take future enforcement action against.

5.4 Design and Impact on the Character of the Area

- 5.4.1 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.'

- 5.4.2 Such design principles are dealt with by local plan policy D1 of the Local Development Plan 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.
- 5.4.3 Furthermore, the core planning principles 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. Local Development Plan policy H4 is also considered relevant to this application as it seeks to ensure that no harm is caused to the landscape character of the locality of the application site.
- 5.4.4 The proposal would make use of an existing caravan site which is currently restricted in terms of opening times. The physical appearance of the site does not change when the site is closed. The only noticeable difference is the level of activity within the site. Evidently, allowing extended opening times would increase the activity taking place at the site during, what is currently, closed times of the year. However, this would not increase the visual impact of the development site on the character and appearance of the wider locality. Therefore, the proposal would not be considered to conflict with the aforementioned policies.

5.5 Flood Risk

- 5.5.1 The NPPF provides the most up to date policy when assessing flood risk. Policy D5 of the Local Development Plan also provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.5.2 The application site falls within flood zone 3a defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high probability of flooding. The proposal is to extend the occupancy period of the holiday caravan park to 11.5, which is the highest flood risk zone. The Planning Practice Guidance (PPG) indicates that a seasonal / holiday caravan site would fall within the 'more vulnerable' classification and requires the Sequential and Exception Tests to be applied for the extended opening period.
- 5.5.3 The Sequential Test aims to steer new development to areas with the lowest probability of flooding and into flood zone 1 and, where there are no reasonably available sites within zone 1, consider reasonably available sites in flood zone 2, taking into account flood risk vulnerability of land uses. It is only when there is no reasonably available land within flood zone 1 or 2 that sites can be considered in flood zone 3 and subject to passing the Exceptions Tests.
- 5.5.4 There are no allocated caravan parks in the LDP at a lower risk of flooding. Traditionally caravan parks are often found adjacent to the coastline, particularly in this District, due to the coastal leisure and tourism appeal. As there are no allocated or other sites in a lower flood risk area and as the proposal involves the extension of existing occupation periods for the site, this part of the proposal is considered acceptable in regard to the Sequential Test.
- 5.5.5 In terms of the Exceptions Test, the existing facility will offer wider economic and sustainability benefits to the community. This is a material consideration. A Flood Risk Assessment (FRA) has been submitted, along with a topographical survey of the site at the request of the Environment Agency. No objection has been received from the Environment Agency, although the Council is requested to have due regard to the vulnerability of use, including that in the event that the caravans become permanently occupied.
- 5.5.6 A Flood Warning and Evacuation Plan has been submitted as part of the FRA. The Emergency Planner has considered the Flood Warning and Evacuation Plan and has raised no objection to the proposal providing that this is adhered to in the event of a flood. A condition would be considered suitable to ensure this takes place. This would be considered essential given the proposed extended opening times of the facility and the increased vulnerability of site users associated with winter months and poor weather. It is recognised that a similar condition has been imposed on other sites which have sought extended opening hours and this would be considered essential to ensuring the safety of all users of the site.
- 5.5.7 In the previous planning application FUL/MAL/16/00491, the Environment Agency had objected to the proposal as the Flood Risk Assessment submitted at the time was inadequate. In this current application, the Environment Agency has raised no objection to the proposal. This has addressed the second reason for refusal under application FUL/MAL/16/00491.

5.6 Impact on Residential Amenity

- 5.6.1 Policy D1 of the Local Development Plan advises that all new development must protect the amenity of surrounding areas by taking into account privacy, overlooking, noise, smell, light, visual impact, pollution daylight and sunlight.
- 5.6.2 A letter of representation was received objecting to the proposal. The main reason for objection related to the position of a particular caravan and its close proximity to the shared boundary of a residential property at Saltcote Maltings. It is important to note that this planning application is to extend the period of opening and not for the positioning of the caravans. It is understood that caravans have to be positioned at a certain distance away from boundaries and from each other and are dealt with by other legislations that the owner / operator of the site has to comply with. Providing that there are sufficient distances between the caravans and the shared boundary with the residential properties at Saltcote Maltings and appropriate boundary treatment reinstated, it is not considered that the proposal would cause harm to the existing occupiers at Saltcote Maltings to warrant refusal in accordance with policy D1 of the LDP.

5.7 Access, Parking and Highway Safety

- 5.7.1 There will be no changes to the existing site access and routes through the site. The existing site access and routes would be utilised during the extended opening times proposed. The existing parking arrangements at the site would also be utilised. Evidently, the increased use of the site would generate more traffic and activity during currently closed periods including Christmas and New Year. However, this increased level of traffic can be accommodated on the main road networks from the site and in the locality. The proposal would therefore not be considered to raise any highway safety implications. The Highway Authority was consulted but no reply has been received at the time of writing this report.

5.8 Nature Conservation

- 5.8.1 Paragraph 109 of the NPPF states that *'the planning system should contribute to and enhance the natural and local environment by..... recognising the wider benefits or ecosystem services.....and minimising impacts upon biodiversity and providing net gains in biodiversity where possible'*. Further, policy N2 of the Local Development Plan states that *'to protect the District's natural environment and bio-diversity, developments should not have a detrimental impact on sites of ecological significance both in terms of quantity, quality and connectivity'*.
- 5.8.2 The application site shares a boundary with the seawall where the seaward side of the seawall provides wildlife areas recognised through national and international legislation as SSSI, SPA and Ramsar site. The site is outside of these protected areas. The extended opening period for the caravan park could potentially result in more noise and disturbance upon the neighbouring wildlife areas. Natural England has been consulted, but no response has been received at the time of writing this report. However, having checked the previous planning application FUL/MAL/16/00491, it is noted that Natural England had considered the location, use of the site and over-wintering birds, but had not expressly objected to the proposal. It is considered that a similar response from Natural England would be appended to this current

application. The Council's Coast and Countryside Officer (Leisure Services) has also been consulted, but no response has been received to date. Any comments received will be presented to Members either by Members' Update or verbally at the area planning committee. As this was not a reason for refusal of application FUL/MAL/16/00491, it is considered unlikely that an objection would be raised to this application by either consultee.

6. ANY RELEVANT SITE HISTORY

- **MAB/111/60** – Change of use for seasonal use as a caravan site, season 1 April to 31 October. Approved 18 May 1961.
- **FUL/MAL/91/00675** - Extension to existing clubhouse. Approve: 01.10.1991.
- **FUL/MAL/93/00514** - Retention of consent ref: MAB/111/60 without compliance with Condition 1. Approved: 21 October 1993.
- **OUT/MAL/98/00705** - Proposed residential development. Refused: 04 November 1998.
- **OUT/MAL/01/00110** - Demolition of existing buildings and ancillary structures. Removal of caravans and redevelopment of the site with 3 no. single-storey dwellings, 5 no. two-storey dwellings and 8 no. flats in two, double storey blocks. Provision of open space buffer to estuary. Refused: 28 June 2001. Appeal Dismissed on: 22 January 2002.
- **FUL/MAL/05/01364** - Variation of condition 1 imposed upon Planning Permission MAB/111/60 to allow occupation of one unit for warden/caretaker on a permanent basis. Refused: 03 March 2006.
- **FUL/MAL/06/01025** - Demolition of existing two storey house, single storey clubhouse and chalet. Erection of new house and garage. Approved: 21 November 2006.
- **FUL/MAL/07/00393** - Refurbishment of existing shop and new pitched roof, change of use to equipment store and site office. Approved: 23 May 2007.
- **FUL/MAL/08/01192** - Variation to condition 8 of FUL/MAL/06/01025 requiring construction details to demonstrate the building can withstand hydrodynamic and hydrostatic pressures from a flood event. Refused: 22 December 2008.
- **FUL/MAL/10/00569** - Addition of a window in the attic of the east wing. Approved: 13 September 2010.
- **HOUSE/MAL/13/01076** - Proposed extension to dwelling to the side. Approved: 13 January 2014.
- **FUL/MAL/16/00491** - Variation of condition 2 on approved planning permission FUL/MAL/93/00514. Refused: 29 June 2016.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No comments received 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
Environment Agency	No objection to this planning application, providing that the Council have taken into account the flood risk considerations which are the Council's responsibility.	Noted
Natural England	No comments received at the time of writing this report	Any comments received will be reported on the Members' Update.
Highway Authority	No comments received at the time of writing this report	Any comments received will be reported on the Members' Update.

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Emergency Planner	The information contained within the flood warning and evacuation plan is sufficient and if used as intended in the event of a flood incident should facilitate a safe evacuation.	Noted.
Environmental Health Service	No objection subject to conditions to avoid a holiday site being used for residential purposes or temporary accommodation other than holiday use.	Noted – Planning Conditions.

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:

- Alan Williams 26 Saltcote Maltings Heybridge Maldon

Objection Comment	Officer Response
One caravan is sited too close to 26 Saltcote Maltings and seriously impacts the enjoyment and use of our garden and home. By extending the holiday season 11.5 months would be distressing as the only respite and relief from this unwanted and distressing intrusion is during the 3 months when the site is closed.	Noted in report.

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:

- Mr Robinson, 15 Wharf Road, Heybridge, Essex

Supporting Comment	Officer Response
Cannot see a reason why Happy Days Caravan Park cannot extend their season to 11.5 months	Noted.

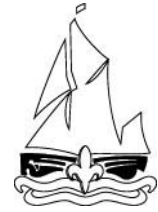
8. PROPOSED CONDITIONS

1. No caravans shall be occupied between 15 February and 1 March in any calendar year.
REASON: To ensure that the caravans remain in holiday use and to prevent permanent residential occupation having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.
2. The caravans hereby permitted shall be occupied for holiday purposes only.
REASON: To ensure the use of the site is appropriate to the locality in this rural coastal location in high risk flood zone and to prevent permanent residential occupation of the caravans having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.
3. No caravans shall be used as a person's sole or main place of residence. The owners / operators shall maintain an up to date register of the names of all owners / occupiers of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority for inspection.
REASON: To ensure the use of the site is appropriate to the locality in this rural coastal location in high risk flood zone and to prevent permanent residential occupation of the caravans having regard to the guidance and provisions of the National Planning Policy Framework, and policies S1, S8, D1, D5, E5 and T2 of the Maldon District Local Development Plan.

4. The measures contained within the Flood Warning and Evacuation Plan (as prepared by Happy Days Caravan Park Document C dated July 2017) shall be fully implemented and in place prior to the permission being implemented. The measures contained within Flood Warning and Evacuation Plan shall be applicable as such thereafter.

REASON: To ensure the appropriate measures are in place, in the event of a flood, to protect those utilising the site in accordance with the guidance and provisions of the National Planning Policy Framework, the National Planning Practice Guide and policy D5 of the Maldon District Local Development Plan.

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**REPORT of
CHIEF EXECUTIVE**

**to
CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 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 that the following appeal has been lodged:

Appeal Start Date: 31/08/2017

Application Number: HOUSE/MAL/17/00422 (APP/X1545/D/17/3179597)

Site: 35 Victoria Road, Maldon, Essex, CM9 5HE

Proposal: Proposed loft conversion with rear dormer and internal alterations (amended scheme)

Appeal by: Mr Justin Lloyd

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

ITEM 2 APPEAL DECISIONS

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

HOUSE/MAL/17/00087 (Appeal Ref: APP/X1545/D/17/3177175)

Proposal: New garage to front elevation adjoining the existing semi-detached house, maintaining rear access through new rear door garage.

Address: 39 Orchard Road - Maldon

APPEAL DISMISSED – 7 September 2017

DECISION LEVEL: Delegated

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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