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Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

07 November 2017

Dear Councillor

You are summoned to attend the meeting of the;

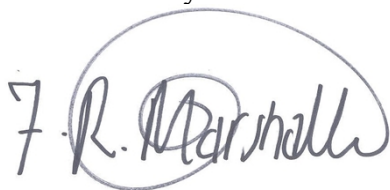
CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 15 NOVEMBER 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 15 NOVEMBER 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 20 September 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. **LBC/MAL/17/01054 - 72 Wantz Road, Maldon, Essex, CM9 5DE** (Pages 15 - 22)

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

6. **HOUSE/MAL/17/01101 - 37 Fambridge Road, Maldon, Essex, CM9 6AE** (Pages 23 - 30)

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

7. **HOUSE/MAL/17/01119 - 8 St. Pauls Mews, Heybridge, Essex, CM9 4QZ** (Pages 31 - 36)

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

8. **Other Area and Planning Related Matters**

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

(i) Appeals Lodged - None

(ii) Appeal Decisions - None

9. **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. 5 – 7.
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
- 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.



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

PRESENT

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 and Mrs N G F Shaughnessy

448. CHAIRMAN'S NOTICES

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

449. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs P A Channer CC.

450. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 23 August 2017 be received.

Minute No. 303 – Apologies for Absence

Councillor A T Cain explained he had sent a block apology for the meetings he had missed due to holiday and that his apology had not been noted for the meeting of 23 August 2017.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 23 August 2017 be confirmed.

451. DISCLOSURE OF INTEREST

Councillor B E Harker declared a personal and prejudicial interest in Item 6 - HOUSE/MAL/17/00643 – 8 St Pauls Mews, Heybridge. He informed the committee

that he would vacate the chair for this item, and that Councillor S J Savage would be in the chair for this item.

Councillor M R Pearlman declared a non-pecuniary interest in Item 5 – FUL/MAL/17/00428 – Flat at 11-14 The Kings Head Centre, 38 High Street, Maldon and Item 7 – FUL/MAL/1700798 – 16 High Street, Maldon.

Councillor S J Savage declared a non-pecuniary interest in Item 5 - FUL/MAL/17/00428 – Flat at 11-14 The Kings Head Centre, 38 High Street, Maldon, as the owner had invited him to a Carnival meeting, and Item 7 – FUL/MAL/1700798 – 16 High Street, Maldon, as he was a member of the same club that some of the involved parties attend and attended the site visit.

Councillor M S Heard declared a non-pecuniary interest in Item 7 - FUL/MAL/1700798 – 16 High Street, Maldon, 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.

452. FUL/MAL/17/00428 - FLAT AT 11-14 THE KINGS HEAD CENTRE, 38 HIGH STREET, MALDON

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

It was noted from the Members’ Update that this application had been withdrawn by the applicant.

At this point in the meeting Councillor B E Harker vacated the chair and the Chamber for Item 6 – HOUSE/MAL/17/00643 8 St Paul’s Mews, Heybridge, in accordance with his earlier declaration of interest.

IN THE CHAIR : COUNCILLOR S J SAVAGE

453. **HOUSE/MAL/17/00643 - 8 ST. PAUL'S MEWS, HEYBRIDGE, MALDON**

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

Following the Officer's presentation of the report, Elaine Hammans, an objector and Mark Gormer, the applicant, addressed the Committee.

Some discussion followed between Members about how they themselves would not feel comfortable living in the neighbouring property and it was suggested that the officers work with the applicant to alter the application to suit their needs but not to overlook their neighbours.

A proposal to refuse this application, contrary to Officers recommendation, was made in the name of Councillor Miss A M Beale and this was seconded by Councillor Miss M R Lewis. Upon a vote being taken this was agreed.

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

- 1 The proposed development would constitute unneighbourly development due to the proposed rooflights causing overlooking and a loss of privacy within the neighbouring property. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan.

Councillor S J Savage vacated the chair. Councillor B E Harker returned to the Chamber and chair for the remainder of the meeting.

IN THE CHAIR : COUNCILLOR B E HARKER

454. FUL/MAL/17/00798 - 16 HIGH STREET, MALDON, ESSEX CM9 5PJ

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

Some discussion followed the Officer's presentation as to whether or not Members felt that the town centre was losing more retail space.

A proposal in the name of Councillor M R Pearlman was made to approve the officer's recommendation; this was seconded by Councillor A T Cain and agreed.

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.
- 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.
- 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.
- 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.
- 6 The boundary treatment proposed shall be constructed prior to the occupation of any of the residential units hereby permitted and retained as such thereafter.
- 7 All new doors and window shall be in timber with a painted finish and shall be retained as such thereafter.

455. FUL/MAL/17/00865 - HAPPY DAYS CARAVAN PARK, GOLDHANGER ROAD, HEYBRIDGE, ESSEX

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

It was suggested by a Member that if the Committee refused the application that they could be making some families homeless and then it would be the Council's responsibility to home these people.

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

1. No caravans shall be occupied between 15 February and 1 March in any calendar year.
2. The caravans hereby permitted shall be occupied for holiday purposes only.
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.
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.

456. OTHER AREA PLANNING AND RELATED MATTERS

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

(i) Appeals Lodged

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

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)

Appeal Start Date: 14/09/2017
Application Number: FUL/MAL/16/01335 (APP/X1545/W/17/3180915)
Site: Land Adjacent 7 Granger Avenue Maldon
Proposal: Three bed dwelling
Appeal by: Mr B Marshall
Appeal against: Refusal
Appeal procedure requested: Written Representations

Appeal Start Date: 14/09/2017
Application Number: HOUSE/MAL/17/00532 (APP/X1545/D/17/3182411)
Site: 24 Scraley Road Heybridge
Proposal: Proposed part two storey and part first floor front extensions with associated alterations
Appeal by: Mr and Mrs Mark Hockton
Appeal against: Refusal
Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 18/09/2017
Application Number: HOUSE/MAL/17/00153 (APP/X1545/D/17/3179755)
Site: The Lake House, 33 Battle Rise, Heybridge, Essex, CM9 4PF
Proposal: Proposed alterations to existing window openings to front elevation and replacement of existing windows with new patio doors.
Appeal by: Mr and Mrs Dean Curtis
Appeal against: Refusal
Appeal procedure requested: Householder Appeals Service (HAS)

(ii) Appeal Decisions

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

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

457. 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 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.

458. ENFORCEMENT UPDATE

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 8.40 pm.

B E HARKER
CHAIRMAN

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**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
15 NOVEMBER 2017**

Application Number	LBC/MAL/17/01054
Location	72 Wantz Road Maldon Essex CM9 5DE
Proposal	Addition of two sky light windows
Applicant	Mr Gary Pipe
Agent	-
Target Decision Date	6 November 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

72 Wantz Road, Maldon
LBC/MAL/17/01054



 <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
	Date:	03/11/2017
	MSA Number:	100018588

www.maldon.gov.uk

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 This application seeks Listed Building Consent for the installation of two additional roof light windows to the rear slope of the roof. As the windows have already been installed the application is retrospective in nature. An application for the same proposal has been refused by the Council on 13 June 2017.
- 3.1.2 The application site lies to the western side of Wantz Road within the Conservation Area of Maldon. No. 72 Wantz Road is part of a grade II listed building, which dates from early in the 19th century, and forms the northern end of a terrace, along with Nos.74 and 76.

3.2 Conclusion

- 3.2.1 The works have demonstrably harmed the historic and architectural significance of the Listed Building without any significant public benefits to justify this harm. Therefore, the works are contrary to policy D3 of the approved Local Development Plan as well as guidance contained within the National Planning Policy Framework and other legislation. It is not considered that there are any material planning considerations to demonstrably outweigh the guidance provided within the NPPF or the planning history of the site.

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 - Presumption in favour of sustainable development
- 17 - Core Planning Principles
- 126-141 - Conserving and enhancing the historic environment

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

- D3 - Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

5. MAIN CONSIDERATIONS

5.1 **Impact upon the Historic Interest of the Listed Building**

- 5.1.1 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policy D3 of the Local Development Plan (LDP) states that development proposals that affect a heritage asset (whether designated or non-designated) and / or its setting will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest.
- 5.1.2 Paragraph 132 of the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. (...)”*.
- 5.1.3 Furthermore, paragraph 134 of the NPPF states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.
- 5.1.4 When considering the impact of a proposed development on the significance of a designated heritage asset, the Council will give great weight to the asset’s conservation. Any harm or loss will require clear and convincing justification. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.1.5 No. 72 Wantz Road is part of a grade II listed building, which dates from early in the 19th century, and is situated in the Maldon Conservation Area. It forms the northern end of a terrace, along with Nos.74 and 76. Although they must all be of a very similar date, a straight joint in the brickwork of the rear wall at the division between Nos.72 and 74 shows that they were not built at the same time. No. 72 was evidently built as a pair of houses, the arrangement of which is somewhat unusual in that the principal elevation of one unit faced east onto the road and that of the other unit was on the end wall facing north.
- 5.1.6 The terrace – with its slate mansard roof, brick walls and regular rhythm of sash windows set beneath segmental arches and doorways beneath semi-circular arches – forms an attractive component in the streetscene and the conservation area. Notable internal features in No. 72 include original stairs, fireplaces and panelled partitions.
- 5.1.7 Overall, the significance of the listed building derives mainly from its age, Georgian architectural character, good state of preservation, survival of period features, and presence in the street-scene.

- 5.1.8 Whilst it is noted the Council previously granted consent for two roof lights, those were on the roof above the single storey rear projection. The circumstances of that consent were materially different from the current application. It has to be noted that the rooflights at the upper roof were installed before the building was listed and therefore did not require listed building consent at the time they were installed.
- 5.1.9 The unlawful roof-light windows have an intrusive impact upon the character and appearance of the building, particularly since the affected roof-slope is steeply pitched and therefore quite prominent. It is considered that the cumulative effect of the unauthorised roof-light windows, in addition to the two which were already in place before the building was listed, has resulted to the addition of incongruous features and in an unacceptable erosion of the historic character. The number of roof-lights and their close proximity to one another is such that they have eroded the simplicity of the roof and appear at odds with the style and period of the building. While the unauthorised works affect the rear of the property, they are highly prominent and can be seen in long views.
- 5.1.10 While it is clear what the harm is, the public benefits shall also be weighted in order to fully consider whether the harm would be acceptable. It is contended by the applicant that the removal of the windows would cause a health and safety issue as it would not be safe for the occupiers / users of the building to use the internal staircase. Moreover, it is alleged that the windows provide necessary daylight which offer environmental and economic benefits. It is noted that the staircases in the building were used for many years without the need of windows. This is not a particularly unusual occurrence. The absence of daylight provision to a non-habitable area of a dwelling is not considered to be detrimental to the living conditions of its occupiers. The economic and environmental benefits from not operating two sources of artificial lighting during day time are considered to be limited.
- 5.1.11 It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as “less than substantial” in the terms of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits.
- 5.1.12 It has to be noted that the same proposal was previously considered by the Council under application LBC/MAL/16/01508. The submitted scheme has not material difference from the previously refused scheme. It is not considered that there are any new material considerations that outweigh the planning history of the site.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/04/00639**– Sky light window on lower floor roof above kitchen – APPROVED [29.07.2004].
- **LBC/MAL/16/01508** – Retrospective – Two (2) additional sky light windows to rear of property – REFUSED [13.06.2017].

Reason for Refusal: “It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as "less than substantial" in the terms

of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits. Therefore, the works are contrary to policies BE16 of the RLP and D3 of the LDP as well as guidance contained within the NPPF and other legislation.”

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p>Support – It is recommended this application is dealt with by Committee.</p> <p>The removal of the trees The conservation officer’s comments regarding the previous application are noted but the removal of the trees near Maldon District Council (MDC) offices should have been taken into account.</p>	<p>The officers only present applications to Committee in line with the scheme of delegation.</p> <p>Views of the development are not only available from MDC.</p>

7.2 **Internal Consultees (summarised)**

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>Object – The cumulative effect of the unauthorised roof-lights, in addition to the two which were already in place, is that they appear excessive and incongruous. The number of roof-lights and their close proximity to one another is such that they have eroded the simplicity of the roof and appear at odds with the style and period of the building.</p> <p>The works fail to preserve the significance of the listed building and the Maldon Conservation Area. The harm caused to the building's significance</p>	<p>Comments noted. See section 5 of the report.</p>

Name of Internal Consultee	Comment	Officer Response
	is not outweighed by any public benefits.	

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 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:

- Roy Pipe Langford Lee Maldon Road Langford
- Antony Clayton Orchard House Beeleigh Road Maldon
- Mr B J Gornall The Stables 72A Wantz Road Maldon
- Lorraine Haggerty & Lee Trevain 66 Wantz Road Maldon Essex

Supporting Comment	Officer Response
The windows would provide daylight to the staircase. Rooms can be quite gloomy.	See section 5 of the report.
The only property overlooking the additional windows is the Council Offices. The rear of the property is not part of the street scene.	There are other properties from which the works are visible.
There are two existing sky light windows of the same shape which have already been in place for 20 years. Two more will not cause any harm.	Existing harm does not mean that future harm should be acceptable. See section 5 of the report.
The windows are acceptable.	See section 5 of the report.
A previous Conservation Officer had indicated that the front of the building was the main reason for listing.	The reason for the building is listed is described at its listing and is not mainly for its frontage. See also paragraph 5.1.4 of the report.

8. REASONS FOR REFUSAL

- 1 It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as “less than substantial” in the terms of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits. Therefore, the works are contrary to policy D3 of the approved Local Development Plan as well as guidance contained within the National Planning Policy Framework and other legislation.

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**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
15 NOVEMBER 2017**

Application Number	HOUSE/MAL/17/01101
Location	37 Fambridge Road Maldon Essex CM9 6AE
Proposal	Loft conversion with rear dormer
Applicant	Mr & Mrs C Hawes
Agent	Chris Cumbers - CBS Cumbers MCIAT
Target Decision Date	23 November 2017
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


REFUSE for the reason set out in section 8 of this report.

2. SITE MAP

Please see overleaf.

37 Farnbridge Road, Maldon
HOUSE/MAL/17/01101



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	03/11/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located within a cul-de-sac on the north eastern side of Kingston Chase within the defined settlement boundary of Heybridge. The site is occupied by a two storey detached dwelling. There are neighbouring properties to the south, east and west. Langford Road lies to the north of the site but is screened by dense vegetation.

3.1.2 Planning permission is sought to carry out a roof conversion and to construct a dormer on the rear elevation of the property.

3.1.3 The main part of the proposed dormer on the rear elevation would measure 5.2 metres in width, with a depth of 2.8 metres; two sections of the dormer would project 0.5 metres further. The dormer would have a maximum height of 2.1 metres.

3.1.4 The proposed materials will match the existing dwelling with the exception of the roof of the dormer which will consist of a single layer membrane in slate grey to match the colouring of the roof tiles. The 'walls' of the dormer will be made from vertical slate which will be hung to match the existing roof covering.

3.1.5 A similar development was previously refused by the Council under application HOUSE/MAL/17/00605 for the following reason:

'The proposed dormer due to its scale, design and siting would result in a dominant, unbalanced and incongruous form of development which would be detrimental to the character and appearance of the original dwelling. Consequently due to its prominent position within the streetscene, the proposal would create an unsympathetic addition to the public realm. Therefore, the proposal is considered to be detrimental to the dwelling and the character and appearance of the area contrary to approved policies D1 and H4 of the Local Development Plan and Government guidance contained within the National Planning Policy Framework.'

3.1.6 Following the refusal of HOUSE/MAL/17/00605 the following changes have been made to the proposal as part of this application:

- The width of the main part of the rear dormer has been reduced by 0.5 metres.

3.2 Conclusion

3.2.1 It is considered that the proposed dormer, by reason of its scale and design would materially harm the character and appearance of the dwelling and the surrounding area by resulting in an incongruous and overly large form of development. Furthermore, due to its prominent position within the streetscene, the proposal would result in an unsympathetic addition to the public realm. Therefore the proposal is considered to be contrary to policies 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:

- 14 – Preservation in favour of Sustainable Development
- 17 - Core planning Principals
- 56 -58 – Requiring good design

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

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of altering a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and Impact on the Character of the Area

5.2.1 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the LDP ensures that all 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.

5.2.2 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.'

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- a) Height, size, scale, form, massing and proportion;
 - b) Landscape setting, townscape setting and skylines;
 - c) Layout, orientation, and density;
 - d) Historic environment particularly in relation to designated and non-designated heritage assets;
 - e) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - f) Energy and resource efficiency.
- 5.2.4 The proposed rear dormer window is considered to be of limited architectural merit and is considered to be an overly large addition that would dominate the original roof slope, thus creating a top heavy form of development that dominates the site and views from the neighbouring properties and surrounding area. This is further exacerbated by presence of the modern two storey addition which has a hipped roof. The hipped roof forces the dormer to be located towards the southern elevation resulting in an incongruous and unbalanced design and a lack of symmetry. This is intensified by the dormer being shaped around the hipped roof, creating a convoluted roof form of varying depths, which would be particularly apparent when viewed from the northern elevation. It is noted that the reduced width of the main part of the dormer has marginally reduced the impact of the connection between the hipped roof and dormer window. However, due to the siting of the proposal reaming towards the southern elevation and still being shaped around the hipped roof, it is considered that the reason for refusal from application HOUSE/MAL/17/00605 has not been overcome. Furthermore, the proposed flat roof design of the rear dormer is considered to result in a disparate addition which fails to reflect the character of the gable roof on the original property.
- 5.2.5 Although it is noted that the development is located to the rear of the dwelling, due to the corner plot location of the site the proposed dormers would be highly visible from Park Road and would therefore, detrimentally impact the character and appearance of the area. Whilst consideration is given to the fact there are dormers located on the buildings within D’Arcy Court and also No.2 Park Road. The dormer located on No.2 Park road is located to the rear of the dwelling and due to the orientation of the site is not highly visible from the streetscene. Therefore, the harm is not considered to be as significant. The dormers located on the residential properties within D’Arcy Court are of a different style, are of greater architectural merit and have a much less significant impact on the character of the area. Therefore, due to the limited number of the dormers within the area and the materially different visual impact of those dormers on the character of the area, it cannot be considered that these examples set a precedent or are a material consideration of any demonstrable weight when determining this application.

5.2.6 Therefore, the proposed dormer due to the size and siting would result in dominant and incongruous form of development that does not relate well to the main dwelling or the locality. It is considered that the proposed dormer window by reason of scale, size and bulk would not appear as a subservient addition to the existing dwelling and would have a detrimental impact on the character and appearance of the original dwelling and the streetscene. The proposed development is considered to be unacceptable in its setting and will detract from the appearance and be materially harmful to the existing dwelling and the locality therefore, contrary to policies D1 and H4 of the approved LDP.

5.3 Impact on Residential Amenity

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 The proposed development is located approximately 0.2 metres from the boundary with property No. 39 Fambridge Road. The proposed dormer would be set back from the rear elevation of the original dwelling by 0.7 metres and would not exceed the height of the ridge. Therefore, given the scale of the proposed dormer, 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 It is noted that there would be direct views from the proposed rear dormer into the private amenity space No. 39 Fambridge road and the front garden of No 2. Park Road. The proposed rear dormer windows would be approximately 1.5 metres higher than the existing windows on the first floor. As the views into No 2. Park Road would be of the front of the site and there is only one obscure glazed window on the western elevation of No.2 there is no concern regarding overlooking in relation to this property. In addition, the proposed window is rear facing with the same outlook of the rear garden as the existing rear facing windows on site. Although higher than the existing windows, it is not considered that the proposed dormer would result in significant overlooking to the detriment of the neighbouring occupiers at No.39 Fambridge Road. Therefore, no concerns are raised in relation to loss of privacy.

5.4 Access, Parking and Highway Safety

5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

5.4.2 The proposed development does not include the addition of any extra bedrooms. The adopted Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that a four or more bedroom dwelling should provide three spaces to park vehicles.

5.4.3 The site has the capacity to accommodate two vehicles through the use of the existing hardstanding to the front of the property. As the proposal does not result in an increase in bedroom space and the site is within a town centre location where a

relaxation or car parking is considered acceptable, there is no objection to the proposal in terms of car parking.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The existing private amenity space on the site is within the recommended standard contained within the Essex Design Guide. As the proposed development will not result in a loss to the amenity space there is no objection to the proposal in relation to amenity space.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/17/00605** –Loft Conversion with Rear Dormer. Refused July 2017.
- **FUL/MAL/08/00035** – Two storey side / rear extension and conservatory. Approved March 2008.

As stated in paragraph 3.1.5, the application subject of this report is a re-vision to HOUSE/MAL/17/00605.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

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

7.2 Representations received from Interested Parties (*summarised*)

- 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:

- Mr S Skeggs – 14 D’Arcy Court, Maldon

Objection Comment	Officer Response
Concerns regarding the noise and disturbance impacts of the development.	The objectors concerns are noted. Whilst these matters cannot be dealt with through planning, should the application be approved an informative shall be included advising the applicant of the hours such works can take place within.

8. REASONS FOR REFUSAL

The proposed dormer due to its scale, design and siting would result in a dominant, unbalanced and incongruous form of development which would be detrimental to the character and appearance of the original dwelling. Consequently due to its prominent position within the streetscene, the proposal would create an unsympathetic addition to the public realm. Therefore, the proposal is considered to be detrimental to the dwelling and the character and appearance of the area contrary to approved policies D1 and H4 of the Local Development Plan and Government guidance contained within the National Planning Policy Framework.



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
15 NOVEMBER 2017**

Application Number	HOUSE/MAL/17/01119
Location	8 St Pauls Mews Heybridge Essex CM9 4QZ
Proposal	Proposed side facing roof windows
Applicant	Mr Gormer & Ms Macmaster
Agent	Mr David Jones - Alun Design Consultancy
Target Decision Date	28 November 2017
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Previous Committee Decision

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

8 St Pauls Mews, Heybridge
HOUSE/MAL/17/01119



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	03/11/2017
	MSA Number:	100018588

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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 Lake Mead to the north and the property of No.10 St Paul's Mews to the south.
- 3.1.3 The proposal seeks planning permission for three side facing roof lights to the south facing roofscape.
- 3.1.4 There was a previous application under HOUSE/MAL/17/00643 for four roof lights on the north facing roofscape however this was refused at Committee on 20 September 2017 for the following reason:

“The proposed development would constitute unneighbourly development due to the proposed rooflights causing overlooking and a loss of privacy within the neighbouring property. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan.”

3.2 Conclusion

- 3.2.1 The proposal is to install three roof lights to the side of the roof slope on the southern elevation of the dwelling. The previous reason for refusal was due to the overlooking and loss of privacy within the neighbouring property to the north. However the newly proposed windows would face towards the roofs of the properties to the south and would be at a high level, 1.7 metres above finished floor level. Therefore, the proposed development would not result in a demonstrable impact on the amenity of neighbouring occupiers.
- 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 - Requiring Good Design
- 126-141 - Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 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 Local Development Plan (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 three roof lights. 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 south elevation of the property. Whilst the proposed windows are partially visible within the streetscene and surrounding properties, due to the scale of the roof windows and the presence of rooflights on other properties within the vicinity of the site, it is considered that the development would preserve the character and appearance of the Conservation Area.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. 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 face onto the roofs of the properties to the south and would be set at 1.7 metres above the floor of the room in which the windows are to be installed and therefore above 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.
- 5.3.2 The previous reason for refusal was due to the overlooking and loss of privacy within the neighbouring property to the north. However the newly proposed windows would face towards the roofs of the properties to the south and therefore, would not cause unacceptable overlooking of that neighbouring property. Due to the positioning of the windows at least 1.7 metres above finished floor level, any outlook would only be upwards and would not be towards any habitable rooms or amenity areas of neighbouring dwellings. Therefore, the proposal would not cause a loss of privacy or overlooking that would justify the refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposal will create one extra bedroom in the roof space resulting in a three bedroom dwelling. According to the Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD), a two / three bedroom dwelling should have a maximum of two car parking spaces. However, No.8, No.10, No.12 and No.14 St Paul's Mews are terraced houses that have no off street parking at the front of the property. In this instance, it is considered that the extra bedroom would not impact on parking provision or demand at the site. It is noted that the previous application was not refused on the grounds of parking provision.

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 below the minimum requirement for a three bedroom dwelling. 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 the refusal of the application.

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 and represent minor, high level works to the existing dwelling, it is not a relevant consideration for this application.

5.7 Other Material Considerations

- 5.7.1 During the previous application, objections were received which mentioned restrictive covenants. 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** – Redevelopment of The Chalet Site for 124 dwellings; public open space, landscaping, new highways and associated ancillary development. Approved (14.07.2006) – Condition 22 removed Permitted Development rights for insertions into the roof.
- **HOUSE/MAL/17/00643** – Proposed side facing roof windows. Refused (10.08.2017).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

- 7.1 The consultation expiry date is Thursday 9 November 2017. Any comments received after writing this report will be summarized within the Members' Update.

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 No letters of representation have been received at the time of writing this 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: G/3937/17/PL-20.
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 Maldon District Local Development Plan.
- 3 The rooflights shown on approved drawing number G/3937/17/PL-20 shall be of a conservation style, black painted, cast metal type, shall not protrude above the tile line or the roof plane and shall be retained as such thereafter.
REASON: In order to ensure that the development is carried out in accordance with policies D1 and D3 of the Maldon District Local Development Plan.