



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
24 JANUARY 2018**

PRESENT

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

743. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss A M Beale, A T Cain and M R Pearlman.

744. CHAIRMAN'S NOTICES

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

745. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 13 December 2017 be approved and confirmed.

746. DISCLOSURE OF INTEREST

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a Member of Essex County Council and advised that she represented the Maldon Division. She also declared in respect of Agenda Item 11 - FUL/MAL/17/01391-Land Rear Of 47 Spital Road, Maldon as she knew the agent.

Councillor S J Savage declared a non-pecuniary interest in respect of Agenda Item 11 FUL/MAL/17/01391-Land Rear Of 47 Spital Road, Maldon as he knew the applicant.

Councillor Mrs B D Harker declared a non-pecuniary interest in respect of Agenda Item 11 FUL/MAL/17/01391-Land Rear Of 47 Spital Road, Maldon, as he knew both the applicant and agent.

Councillor M S Heard declared a non-pecuniary interest in respect of Agenda Item 9 – FUL/MAL/1701355 – Maldon District Council, Council Offices, Princes Road, Maldon and commented that this probably applied to all Members.

747. FUL/MAL/17/00827 - MALDON AND DISTRICT SEA CADETS, LAND ADJACENT COUNCIL DEPOT, PARK DRIVE, MALDON, ESSEX, CM9 5UR

Application Number	FUL/MAL/17/00827
Location	Maldon And District Sea Cadets Land Adjacent Council Depot Park Drive Maldon
Proposal	Retrospective - Erection of one single-storey building to accommodate two classrooms and one storage area.
Applicant	Mrs Tracey Temme - Maldon & District Sea Cadets
Agent	Ronald Cross Architectural & Planning Services
Target Decision Date	12.01.2017 Extension of Time: 26.01.2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

It was noted from the Members' Update that a consultation response had been received from Maldon Town Council.

Following the Officers' presentation, a supporter, Mrs Keeble addressed the Committee on behalf of the Sea Cadets.

Councillor S J Savage proposed that the Officers' recommendation of approval be agreed. This proposal was duly seconded.

In response to questions as to whether the building was temporary and if a planning condition could be applied in relation to this, the Group Manager - Planning Services advised that Members could not apply a planning condition to something outside of planning law and the application had not been assessed as a temporary building.

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

1. Within six months of the date of this decision, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites – Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), together with, if any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development, shall have been submitted in writing to the local planning authority for approval. Where identified as being necessary in the approved assessment/report, the site shall be remediated in accordance with the approved measures and timescale and a verification report demonstrating the effectiveness of the remediation carried out shall be submitted in writing to the local planning authority for approval within 14 days of the report being completed.
2. The building hereby permitted shall only be used for the accommodation of classrooms in association with lessons for recreational activities or for storage

purposes in association with the lessons and/or the recreational activities taking place on site.

3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building on site.

748. HOUSE/MAL/17/01237 -125 HOLLOWAY ROAD, HEYBRIDGE, ESSEX CM9 4SW

Application Number	HOUSE/MAL/17/01237
Location	125 Holloway Road Heybridge Essex CM9 4SW
Proposal	Detached garage with pitched roof
Applicant	Mr Billy Clarke
Agent	Mr Alan Ellis
Target Decision Date	18 January 2018
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In

In response to concern raised regarding the development being a separate dwelling, the Chairman drew Members' attention to suggested condition 2 which would prevent any other activities taking place.

The Group Manager - Planning Services explained the use of the word incidental within the Town and Planning Act and advised that if the proposed garage was to be used as an annexe this would require a formal application.

A debate ensued and in response to questions Officers provided further guidance including the removal of permitted development rights.

The Chairman then put the Officers' recommendation of approval to the Committee. Upon a vote being taken this was declared lost. The Chairman then sought reasons for refusal. Members discussed a number of reasons for refusal and in response to these the Group Manager - Planning Services provided the Committee with further guidance. Reasons in relation to the design, scale, size and bulk of the structure and its relationship to the dwelling and local area were raised.

Councillor Miss M R Lewis, a Ward Member, proposed that the application be refused contrary to Officers recommendation. This proposal was duly seconded. Upon a vote being taken this was agreed for the reasons as detailed above.

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

1. The development, due to its size and scale, has resulted in a disproportionate addition when compared to the host dwelling on site and other dwellings in the vicinity of the application site. Furthermore, due to its design, scale, and bulk, the development is an incongruous and overly large addition to the site that is detrimentally harmful to the character and appearance of the dwelling and the surrounding area. It is therefore considered that the proposal fails to make a positive contribution to the general character of the area, contrary to policies D1 and H4 of the Maldon District Local Development Plan and national policy contained within the National Planning Policy Framework.

749. FUL/MAL/17/01277- 37 AND 39 WARWICK DRIVE, MALDON, ESSEX, CM9 6BP

Application Number	FUL/MAL/17/01277
Location	37 & 39 Warwick Drive Maldon Essex CM9 6BP
Proposal	Widening of communal path and erection of new store
Applicant	Maldon District Council
Agent	None
Target Decision Date	16.01.2018 (Extension of Time 26.01.2018)
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that a consultation response had been received from Maldon Town Council.

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: Block Plan, SK4, Proposed elevations.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

750. OUT/MAL/17/01287 - LAND REAR OF 156 GOLDHANGER ROAD, HEYBRIDGE, ESSEX

Application Number	OUT/MAL/17/01287
Location	Land Rear Of 156 Goldhanger Road Heybridge Essex
Proposal	Two detached dwellings
Applicant	Mr J King
Agent	Stanfords - Peter Le Grys
Target Decision Date	3 January 2018
Case Officer	Yee Cheung, TEL: 01621 876220
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

Following the Officers' presentation, the Agent, Mr Le Grys addressed the Committee.

A discussion ensued during which concerns were raised regarding potential flooding. In response to a comment raised by the Agent, the Group Manager - Planning Services advised Members that whilst the Environment Agency had not commented on this application this did not mean they supported the proposal. Given that this is a known flood area this application is high risk.

The Chairman put the Officers recommendations of refusal to the Committee. Upon a vote being taken this was agreed.

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

- 1 The application site is located in Flood Zone 3a which has a high probability of flooding. The Council can demonstrate a Five Year Housing Land Supply and as such residential development should be directed to areas of low risk of flooding. Furthermore, the submitted Flood Risk Assessment is unsatisfactory as it has failed to apply the Sequential Test is set out in Paragraph 101 of the National Planning Policy Framework (NPPF). The Exception Test is set out in paragraph 102 thus fails to demonstrate that the proposed development would be safe for prospective occupiers of the site. Therefore, the development would be contrary to Government guidance and advice contained in the NPPF, the NPPG, and policy D5 of the Maldon District Local Development Plan (MDLDP).
- 2 The provision of two detached dwellings on this site, would introduce a cramped and contrived form of development which is out of keeping and fails to reflect the prevailing pattern of development in the immediate locality. The development proposal would therefore be contrary to policies S1, D1 and H4 of the MDLDP, and Government advice contained in the NPPF.

751. FUL/MAL/17/01355 - MALDON DISTRICT COUNCIL, COUNCIL OFFICES, PRINCES ROAD, MALDON

Application Number	FUL/MAL/17/01355
Location	Maldon District Council Council Offices Princes Road Maldon
Proposal	Installation of security container.
Applicant	Mr David Lester - Essex Police
Agent	N/A
Target Decision Date	1 February 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council Owned Land

It was noted from the Members' Update that a letter of objection had been received from Mr T Kelly.

Councillor Mrs P A Channer declared a non-pecuniary interest in this application as the Maldon District Council representative on the Police, Fire and Crime Commissioners' panel which had dealings with Essex Police.

Following the Officers' presentation, the Group Manager - Planning Services advised the Committee that due to the site area this application should have been classified as a major application. The Officer explained that there were a number of legal requirements for consultation on planning applications and for major applications this included advertising in the press and it was not therefore possible for the application to be determined by this Committee tonight. The Group Manager - Planning Services therefore sought an amendment to the recommendation set out in the report, asking if Members' were mindful to approve the application that they agreed to delegate approval

to the Director of Planning and Regulatory Services subject to the expiry of the advertisement. This was refused by the Committee.¹

Following concern raised Councillor B E Harker proposed that this application be deferred, contrary to Officers' recommendation, so that the required advertisement in the press could take place, in accordance to the requirements of a major application. This proposal was duly seconded and agreed.

RESOLVED that this application be **DEFERRED** to allow the required advertisement of the application in the press and once completed be brought back to a future meeting of this Committee for consideration.

752. ADV/MAL/17/01378 - FORMER BROOKS BROS SITE, THE CAUSEWAY, MALDON, ESSEX

Application Number	ADV/MAL/17/01378
Location	Former Brooks Bros Site The Causeway Maldon Essex
Proposal	Promotional material to encourage tourism and business within the District and announce the creation of the Blackwater Retail Park
Applicant	Maldon District Council
Agent	Mr Jack Ellum - Maldon District Council
Target Decision Date	31 January 2018
Case Officer	Anne Cook, TEL: 01621 875822
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Application is made by a member of staff on behalf of the Council

Councillor Mrs P A Channer declared a non-pecuniary interest in this item of business as she sat on the Sense of Place Board.

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

1. The express consent hereby granted shall be for a period of 1 year beginning from the date hereof.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

¹ Minute No. 843 (21/02/18)

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

753. FUL/MAL/17/01393 - LAND REAR OF 47 SPITAL ROAD, MALDON, ESSEX

Application Number	FUL/MAL/17/01393
Location	Land Rear Of 47 Spital Road Maldon Essex
Proposal	Proposed 2 bedroom bungalow
Applicant	Mrs Anita Church
Agent	Lawrence Planning Limited - Derek Lawrence
Target Decision Date	12 February 2018
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

It was noted from the Members' Update that a letter of objection had been received from Mr K Phillips of 57 Spital Road, Maldon, CM9 6DZ and a further Officer assessment was detailed.

Following the Officers' presentation, the Chairman advised Members that he had agreed for Mr John Harwood to speak on behalf of the applicant. Mr Harwood then addressed the Committee.

Councillor Mrs P A Channer declared an interest in this application.

A debate ensued and comments were raised regarding access to the site, in particular, access by the emergency services. In response to questions, the Group Manager - Planning Services provided clarification in respect of building regulations and that the area edged in red on the plans was within the applicant's control. It was noted that could condition against parking in a specific area of the site, but the dwelling would become a zero parking dwelling and Officers advised that Members needed to be mindful of this.

Councillor Rev. A E J Shrimpton proposed that the application be approved, contrary to Officers recommendation. This was duly seconded.

Councillor Miss M R Lewis proposed that the application be refused subject to removal of the second suggested reasons for refusal. This was seconded.. The Chairman put this to the Committee and upon a vote being taken the motion was declared lost.

The Chairman then put the proposition of approval, in the name of Councillor Shrimpton, to the Committee. Prior to voting on approval the Group Manager - Planning Services outlined a number of suggested conditions to be applied to the application if Members' were mindful to approve seeking clarification in respect of car parking condition. Upon a vote being taken this was agreed subject to the conditions as

outlined by the Officer. The Chairman clarified that no condition regarding car parking had been 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 accord with that shown on drawing No's, 5683/02 REV A, 5683/04 REV A, 5683/01 REV A and 5683/06 which are specifically referenced on this decision notice and forms part of this permission.
- 3 No development shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
- 4 No development shall take place until a scheme for the provision and implementation of a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of any part of the development.
- 5 Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

INFORMATIVES

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.

- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
 - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) No dust emissions should leave the boundary of the site;
 - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 3 The applicant should consult the Waste and Street Scene Team at Maldon District Council to ensure that adequate and suitable facilities for the storage and collection of domestic waste and recyclables are agreed, and that the site road is

constructed to accommodate the size and weight of the Council's collection vehicles.

There being no further items of business the Chairman closed the meeting at 8.50 pm.

B E HARKER
CHAIRMAN