



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
14 NOVEMBER 2018**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss M R Lewis
Councillors	Miss A M Beale, A T Cain, I E Dobson, Mrs B D Harker, M S Heard, M R Pearlman, S J Savage, Mrs N G F Shaughnessy and Rev. A E J Shrimpton

592. CHAIRMAN'S NOTICES

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

593. APOLOGIES FOR ABSENCE

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

594. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 17 October 2018 be received.

Minute No. 509: HOUSE/MAL/18/00967 - 9 WARWICK DRIVE, MALDON

That the first paragraph should be amended to include the addition shown as underlined:

"It was confirmed that the application was called in by Councillor S J Savage at the request of Councillor Rev. A E J Shrimpton whose email was not working."

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 17 October 2018 be confirmed.

595. DISCLOSURE OF INTEREST

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as Maldon District Council are the land owners. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as he knew the applicant.

Councillor M R Pearlman declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as Maldon District Council are the land owners. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as he knew the applicant.

Councillor Rev. A E J Shrimpton declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as he uses the leisure centre on a regular basis.

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as he lives in close proximity to the leisure centre.

Councillor Miss M R Lewis declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/18/00699 - Blackwater Leisure Centre, Maldon as she is a member of Blackwater Leisure Centre. A non-pecuniary interest was also declared in Agenda Item 7, FUL/MAL/18/01078 - 57 High Street, Maldon and Agenda Item 8, LBC/MAL/18/01079 - 57 High Street as she had previously been a customer of Avanti Photographics.

596. FUL/MAL/18/00699 - BLACKWATER LEISURE CENTRE

Application Number	FUL/MAL/18/00699
Location	Blackwater Leisure Centre, Park Drive, Maldon
Proposal	Provision of building to be used as a community hub and associated boundary treatments (nursery, childcare provision, children's holiday club, crèche for the leisure centre, private hire by community groups).
Applicant	Mrs Sharon Kennedy – Watership Downs
Agent	Paul Lonergan – Paul Lonergan Architects Ltd
Target Decision Date	19/11/2018
Case Officer	Louise Staplehurst
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Major Application – Site Area Member Call In – Cllr Savage – request of applicant and public interest

A Members' Update had been submitted detailing an Access, Parking and Highway Safety statement received post publication of the report.

Following the Officer's presentation, Mrs Sharon Kennedy, the Applicant, addressed the Committee, and the Chairman drew the Committees attention to the Members' Update.

A debate ensued and Members raised concerns regarding the impact of noise levels from the site and whether this would increase that already generated by surrounding businesses. The Development Management Team Leader advised Members that at present no Noise Assessment had been carried out and that parking would only be available for the users of the leisure centre.

Councillor S J Savage proposed that the application be approved contrary to the Officer's recommendation and this was duly seconded.

The Committee noted that a report on the site was going to a future meeting of Finance and Corporate Services Committee.

Councillor Miss M R Lewis proposed that the application be deferred until after Finance and Corporate Services Committee. This was duly seconded.

Councillor Miss M R Lewis then amended her proposal, and requested that the application be deferred until further information around parking and noise impact was available. This was duly seconded.

Councillor M S Heard proposed that the application be deferred until Members had visited the site to review parking facilities. This was duly seconded.

The Chairman first put the Officer's recommendation of refusal to the Committee, and upon a vote being taken the refusal was rejected.

The Chairman then put Councillor Savage's proposal to approve the application contrary to the Officer's recommendation but subject to conditions. Upon a vote being taken the application was approved subject to conditions agreed in conjunction with the Chairman, Ward Members and Officers.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 1820/2/100 Rev R-B, 1820/2/201 Rev R-A, 1820/2/203 Rev R-A, 1820/2/202 Rev R-A, 1820/2/200 Rev R-A, 1820/2/206 Rev R, 1820/2/001 Rev R-A, 1820/2/204 Rev R, 1820/2/205 Rev
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.

- 4 Notwithstanding the details submitted with this application, no development shall commence, other than that required to carry out additional necessary investigation which in this case includes demolition, site clearance, removal of underground tanks and old structures, and any construction until an investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The report of the findings must include:
- (i) A preliminary risk assessment to include historical information of how each part of the site has been used in the past;
 - (ii) A survey of the extent, scale and nature of contamination;
 - (iii) An assessment of the potential risks to:
 - a) Human health,
 - b) Properly (existing or proposed) including buildings, crops, livestock, etc, woodland and service lines and pipes,
 - c) Adjoining land,
 - d) Groundwaters and surface waters,
 - e) Ecological systems
 - f) Archaeological sites and ancient monuments;
 - iv) An appraisal of remedial options, and proposal of the preferred option(s). This shall include timescales and phasing of remediation works. This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.
- REASON:** To ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.
- 5 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
- The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval.
- The written verification shall include that:
- i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency
 - ii) All imported material is suitable for its intended use
 - iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the site is suitable for use having regard to the former uses of the site and land within the surrounding area which has the potential to have implications for human health, in accordance with policy D2 of the Maldon District Local Development Plan and the NPPF.

- 7 The development hereby approved shall not commence unless and until the details of a scheme to provide sound insulation against internally generated noise shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be installed prior to the first use of the building hereby approved and retained as such thereafter.

REASON: To protect the amenities of nearby residential properties in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 8 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.

REASON:

To ensure the development is undertaken in a manner that contributes positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

- 9 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:

- i. Proposes finished levels contours;
- ii. Means of enclosure;
- iii. Car parking layouts;
- iv. Other vehicle and pedestrian access and circulation areas;
- v. Hard surfacing materials;
- vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
- vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
- viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

REASON: To ensure the development is undertaken in a manner that contributes positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

- 10 The premises shall not be open for customers outside the following hours:
 09:00-21:00 Mondays - Fridays
 09:00-18:00 Saturdays and Sundays.

No customers shall be present upon the premises outside the permitted hours.

REASON: To protect the amenities of nearby residential properties in accordance with policies D1 and D2 of the Maldon District Local Development Plan.

- 11 All tree protection measures shown on plan 1820/2/206 Rev R shall be installed throughout the construction period of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the development is undertaken in a manner that ensures that trees at the site continue to contribute positively to the character and appearance of the site and the surrounding area in accordance with policy D1 of the Maldon District Local Development Plan.

597. ADV/MAL/18/01066 - SOUTH OF WYCKE HILL & LIMEBROOK WAY

Application Number	ADV/MAL/18/01066
Location	Land South Of Wycke Hill and Limebrook Way, Maldon, Essex
Proposal	Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb.
Applicant	Maldon District Council
Agent	None.
Target Decision Date	19.11.18
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Council application

A Members' Update had been submitted detailing comments from a letter of objection received post publication of the report.

Following the Officers presentation a discussion ensued. Some Members voiced approval at the promotion of the district through this media. In response to Members questions the Development Management Team Leader confirmed that the land was not owned by Maldon District Council and that the advertisement consent would be for a limited period only. It was also advised that Planning Permission was not required, but Advertisement Consent is required.

Councillor S J Savage proposed that the application be refused contrary to the Officer's recommendation as the temporary nature of the advertisement negated the need for planning permission. This was not seconded.

The Chairman put the Officer's recommendation of approval to a vote and this was duly carried.

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

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

- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
- 7 The advertisements hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan ATS/554/18, Block plan ATS/554/19 and elevations/hoarding visuals.
- 8 The advertisements hereby permitted shall measure a total linear length of no more than 100m at any one time (measured horizontally at the widest point).

598. FUL/MAL/18/01078 - 57 HIGH STREET

Application Number	FUL/MAL/18/01078
Location	Avanti Photographics 57 High Street Maldon Essex
Proposal	Reconfigure existing retail space with remainder converted to 2No. Maisonettes and 1No. Studio Flat
Applicant	Salisbury Bright Ideas (Maldon) Ltd
Agent	A R Property Designs
Target Decision Date	19.11.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in – Councillor M R Pearlman on the basis of the Town Council objections and the Conservation Officer's support

A Members' update was received detailing an assessment of the proposal in light of the recently adopted revised parking standards.

The Committee raised concerns regarding the size of windows and the impact this could have on the quality of life for any future residents. The issue of a lack of storage for the retail unit and the loss of another large retail unit in a prime high street location was discussed. However Members agreed that the issue of quality of life was subjective and was a choice the future occupiers would make. Members noted that the proposal included the retention of a retail unit.

Furthermore, it was confirmed that the retail unit would be independent to the proposed dwellings, and that an external side door was for the bin store.

Councillor M R Pearlman proposed that the application be approved contrary to the Officer's recommendation but subject to conditions. This was duly seconded.

Councillor I E Dobson proposed that the application be deferred until a site visit had taken place and this was duly seconded.

The Chairman put the Officer's recommendation of refusal to a vote and this was not carried.

The Chairman then put Councillor Pearlman's proposal to approve the application, contrary to the Officer's recommendation but subject to conditions, to the committee. Upon a vote being taken the application was approved subject to conditions.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: L1, 01, 02 revA, location plan, SK05
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.
REASON: In the interest of the character and appearance of the area and the listed building in accordance with policies D1 and D3 of the approved Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of historic building recording from an accredited historic building recorder in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of building recording.
REASON: To ensure that the heritage assets of the site are suitably protected and recorded in accordance with policy D3 of the Maldon District Local Development Plan and the NPPF.
- 5 Prior to the first occupation of the building hereby permitted, the windows stated to be obscure glazed on plan 02.rev.A shall be glazed with opaque glass and of a nonopenable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON: To ensure the development is undertaken in accordance with the approved plans and in the interests of the amenities of neighbouring land users. In accordance with policy D1 of the Maldon District Local Development Plan and the NPPF
- 6 Prior to the first occupation of any of the flats hereby approved, details of the management of refuse collection from the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently refuse shall only be stored and collected in accordance with the approved details.
REASON: To ensure the suitable disposal of waste without causing harm to the character of the Conservation Area or the safety of the highway. In accordance with policy D1 of the Maldon District Local Development Plan.

599. LBC/MAL/18/01079 - 57 HIGH STREET

Application Number	LBC/MAL/18/01079
Location	Avanti Photographics 57 High Street Maldon Essex
Proposal	Works associated with reconfiguration of existing retail space and conversion of remainder to 2No. Maisonettes and 1No. Studio Flat
Applicant	Salisbury Bright Ideas (Maldon) Ltd
Agent	A R Property Designs
Target Decision Date	19.11.2018
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in, Councillor M R Pearlman, of associated application reference FUL/MAL/18/01078

A brief discussion on the application took place.

The Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken it was resolved to grant listed building consent in accordance with the Officer's recommendation.

RESOLVED that the listed building consent be **GRANTED** in accordance with 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 accordance with the following approved plans and documents: L1, 01, 02 revA, location plan, SK05
- 3 No works shall take place until a report by a conservator has been submitted to and approved in writing by the local planning authority. The report shall including the recording and analysing of the historic finishes on the second Page 54 Agenda Item no. 8 and third floors of the building and a methodology for their conservation. The works shall be carried-out in accordance with the approved details.
- 4 No works shall take place until large-scale drawings of all new windows and doors – illustrating elevations at 1:20, section details (including of glazing bars) at 1:2 and materials - have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

600. HOUSE/MAL/18/01089 - 57 MARINERS WAY

Application Number	HOUSE/MAL/18/01089
Location	57 Mariners Way, Maldon
Proposal	Variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). Amendment: Use of cladding.
Applicant	Mr David Brandon
Agent	N/A
Target Decision Date	12/11/2018
Case Officer	Louise Staplehurst
Parish	Maldon South
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs B D Harker Reason: Public interest

Following the Officer's presentation Mr David Bandon, the Applicant addressed the Committee.

Members' discussed the application taking into consideration the varied aesthetic of properties and commenting that there was no uniform appearance to properties within the estate and therefore the extension would not be considered out of keeping with the streetscene. A Member advised that when they had spoken to neighbours no objections were raised.

Councillor A T Cain proposed that the application be approved contrary to the Officer's recommendation but subject to conditions. This was duly seconded.

The Chairman first put the Officers' recommendation of refusal to the Committee, and upon a vote being taken this was rejected.

The Chairman put Councillor A T Cains' proposal to approve the application, contrary to the Officer's recommendation but, subject to conditions, to the Committee and upon a vote being taken the application was approved subject to conditions agreed in conjunction with the Chairman, Ward Members and Officers.

RESOLVED that the 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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location plan, Block plan, 1332/1, 1332/2 A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The extension hereby permitted shall be undertaken using the materials set out within the application form/plans hereby approved.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

There being no further items of business the Chairman closed the meeting at 20:47.

B E HARKER
CHAIRMAN