



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
23 JANUARY 2019**

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**PRESENT**

Chairman	Councillor B E Harker
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
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC
In Attendance	Councillor H M Bass

**763. CHAIRMAN'S NOTICES**

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

**764. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Miss M R Lewis.

**765. MINUTES OF THE LAST MEETING**

**RESOLVED** that the minutes from the meeting of this Committee held on 12 December 2018 be approved and confirmed.

**766. DISCLOSURE OF INTEREST**

Councillor S J Savage declared a no-pecuniary interest in Agenda Item 7, FUL/MAL/18/01365 – South Embankment, Northey Island, Maldon, as a Member of the Blackwater Estuary Siltation Steering Group as a Maldon Town Councillor and a customer of Essex and Suffolk Water.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 6, FUL/MAL/18/01293 – Car Park, Butt Lane, Maldon, Essex as the land is owned by Maldon District Council.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily; in addition to the saltmarsh.

**767. FUL/MAL/18/01032 - UNITS AT BENTALLS INDUSTRIAL COMPLEX, COLCHESTER ROAD, HEYBRIDGE, ESSEX, CM9 4NW**

<b>Application Number</b>	<b>FUL/MAL/18/01032</b>
<b>Location</b>	Units At Bentalls Industrial Complex Colchester Road Heybridge Essex CM9 4NW
<b>Proposal</b>	Section 73A application for the change of use to storage and distribution (Use Class B8).
<b>Applicant</b>	Mr A Gunn
<b>Agent</b>	Mrs C Legg - Smart Planning Ltd
<b>Target Decision Date</b>	11.01.2019 E.o.T. 25 January 2019
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>HEYBRIDGE WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application Not Delegated to Officers

The Committee received the Officer's presentation, after which the Agent, Russell Ford from Smart Planning Ltd, addressed the Committee.

The Chairman drew the Committee's attention to the Members' Update which detailed amendments to conditions 4, 8, and 9 of the Officer's report.

A brief discussion ensued in which Members noted that the site had been neglected for an extended period of time and welcomed the jobs that the potential development would bring to the area. Members were advised by the Chairman that concerns over the revival of historic notice complaints at the site would be mitigated by the loading bay being situated inside the building and accessed at the rear of the site.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the application was approved.

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

- 1 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes falling within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 2 The use of the premises shall only operate between 07:00 hours and 19:00 hours Mondays to Fridays, 08:00 hours and 13:00 on Saturdays and at no time on Sundays, Bank and Public Holidays.
- 3 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:00 hours and 19:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 No process loading or unloading shall be undertaken outside the buildings.
- 5 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the buildings except in accordance with a scheme to be submitted to and approved in writing

by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

- 6 No items shall be stored outside of the buildings.
- 7 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within three months of the date of this decision a scheme, including a timetable for its implementation, to assess, establish and rank the noise sources associated with the operation hereby permitted and to evaluate Page 32 Agenda Item no. 5 the Applicant's preferred mitigation measures as to whether they are appropriate for the established noise sources, carried out by a suitably competent person, shall have been submitted for the written approval of the local planning authority; or
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.
- 8 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
- i. within three months of the date of this decision a scheme, including a timetable for its implementation, to provide at least 12 covered and secure cycle parking spaces within the Application Site shall have been submitted for the written approval of the local planning authority; or
  - ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
  - iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
  - iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.
- 9 The submitted Flood Warning and Evacuation Plan prepared by Smart Planning with reference 18.5388 shall be available at all time on the premises and its conclusions shall be adhered to in perpetuity.

**768. FUL/MAL/18/01293 - CAR PARK, BUTT LANE, MALDON**

<b>Application Number</b>	<b>FUL/MAL/18/01293</b>
<b>Location</b>	Car park Butt Lane Maldon
<b>Proposal</b>	Change the use of part of the car park to a weekly retail market on Thursdays and Saturdays on a permanent basis. Operational times, including set up and removal 06:30-17:30.
<b>Applicant</b>	Maldon District Council – Richard Holmes
<b>Agent</b>	None
<b>Target Decision Date</b>	28/01/19
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council application Council Owned Land

The Officer presented their report to the Committee.

Councillors M R Pearlman and Rev. A E J Shrimpton voiced their support for the application.

Councillor Mrs B D Harker declared that she was the Chairman for the Market Working Group of which Councillor Mrs N G F Shaughnessy was also a member.

Councillor Pearlman proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

A discussion ensued in which Members expressed their support for the Market. Concerns were raised over the loss of parking spaces to accommodate the stall holders, the indefinite timeframe of the application and whether exclusion of spaces for use by stalls would have an adverse impact on the income generated for the Council through the use of the car park.

Concern was raised at the permanence of the application and the operation of the Market. The Group Manager Planning Services advised the Committee that conditions that needed to respond to the number of stalls would be difficult to enforce under planning laws. These were more operational matters that were ultra vires to this Committee as they were not material planning considerations.

Councillor A T Cain wanted it minuted that initially it would end up with a few stalls taking up numerous parking spaces resulting in a loss of income for the Council.

Councillor M S Heard suggested that a two year trial period was considered and Members discussed whether the application offered security and permanence for the stall holders. The Group Manager Planning Services advised the Committee that this application followed previous temporary permissions at the site.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the application was approved.

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

1. The development hereby permitted shall be carried out in complete accordance with the approved Location Plan specifically referenced on this decision notice as well as the submitted detailed specifications.
2. The Maldon retail market hereby permitted shall operate only between the hours 06:30 to 17:30 on Thursdays and/or Saturdays only with no setting up of any stall prior to 06:30. All stalls and related equipment shall be removed from the site prior to 17:30 hours on each day.
3. There shall be no amplified sound used within the site edged in red on the Location Plan.

**769. FUL/MAL/18/01365 - SOUTH EMBANKMENT, NORTHEY ISLAND, MALDON, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/01365</b>
<b>Location</b>	South Embankment Northey Island Maldon
<b>Proposal</b>	Removal of concrete blocks facing embankment. Infilling of borrow ditch and lowering of embankment to allow saltmarsh habitat creation behind (0.15ha). Construction of closing bank to prevent flooding to adjacent field to east. Repair to section of embankment to west.
<b>Applicant</b>	Mrs Nina Crabb - The National Trust
<b>Agent</b>	Mrs Nina Crabb - The National Trust
<b>Target Decision Date</b>	12/02/19
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major application Member call-in by Councillor Miss Miriam R Lewis in the public interest - particularly concerned about the conflict with our SMP and the adopted "hold the line" position. Member call-in by Councillor Mrs Brenda D Harker in the public interest. Member call-in by Councillor Stephen J Savage at the request of Maldon Town Council and public interest.

Councillor Mrs P A Channer advised that she was a Member of the National Trust.

The Officer presented their report to the Committee. The Chairman then drew the attention of the Committee to the Members' Update which provided a response from Essex and Suffolk Water, points raised by an interested party objecting to the application, and an amendment to the pre-commencement and proposed conditions of the application.

Councillor S J Savage spoke at length in objection to the application; raising concerns he had received from the electorate and opining the detrimental impact removal that this

breakwater could have to the surrounding area and stated that the application would be in breach of policies D1, S1, N1, N2 and N3.

Councillor S J Savage proposed that the application be refused, contrary to the Officer's recommendation and for the aforementioned reasons. This was duly seconded.

Members of the Committee stated that this eastern breakwater was important to the harbour, and sought clarification over the potential impact the application could have on the surrounding area. Disappointment was expressed that the National Trust was not available to address the concerns of Members and the Group Manager Planning Services directed the Committee to the Officer's report for answers.

In response to the Committee's concerns over whether the application was compliant with the Shoreline Management Plan (SMP) or the Council's 'Hold the Line' policy, the Group Manager Planning Services advised the Committee that 'Hold the Line' is a Council policy and that the application was in response to the Environment Agencies decision to no longer fund the flood defences and that this was a material consideration in the determination of this application.

A discussion ensued where it was agreed that Members would prefer the site to be managed yet acknowledged that a breach would be inevitable in the long term.

The Chairman put Councillor S J Savage's proposal of refusal to the Committee, and following a vote the motion failed.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the application was approved.

**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.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location plan; Block plan; PB7778-1001 rev.P3; PB7778-1002 rev.P1; PB7778-1005 rev.P1; PB7778- 1011rev.P1; PB7778-1010revP1 and the mitigation measures in the supporting documents: Contamination Risk Assessment 12 June 2018, Water Framework Directive Compliance Assessment 12 June 2018, Extended Phase 1 Ecological Assessment October 2015 and Extended Phase 1 Habitat Survey 25 June 2018.
- 3 No works shall take place until a Flood Warning and Evacuation Plan has been fully implemented in accordance with details which shall have been submitted to and gained the prior written approval of the local planning authority.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority. Such archaeological assessment will inform the implementation of a programme of archaeological work.
- 5 No development of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written

- approval of the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 6 Other than temporary fencing during the construction period, no new fencing or other means of enclosure shall be erected within the site unless details of the location, height, materials and design of the fencing has been submitted to and gained the prior written consent of the local planning authority. The development shall be completed in accordance with the approved details.
- 7 No floodlighting or other external form of illumination of the site shall be undertaken, during construction or operation, without the express consent of the local planning authority.
- 8 No construction works shall be carried out during the months of October to March (inclusive) unless details of the works, along with any necessary measures to mitigate the impact of the works on the internationally and nationally designated sites (SPA, Ramsar and SSSI), have been submitted to and gained the prior approval in writing of the local planning authority. The work shall be completed in accordance with the approved details.
- 9 No development including any site clearance or groundworks of any kind shall take place until an up-to-date version of the Construction Environmental Management Plan 28 June 2018 has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved Plan.

There being no further items of business the Chairman closed the meeting at 8.20 pm.

**B E HARKER  
CHAIRMAN**