

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel. 01621 875791

Council Chamber 01621 859677

HEAD OF PAID SERVICE'S OFFICE  
HEAD OF PAID SERVICE  
Richard Holmes

12 March 2019

Dear Councillor

You are summoned to attend the meeting of the;

## **CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 20 MARCH 2019 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

### COMMITTEE MEMBERSHIP

#### 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  
Rev. A E J Shrimpton

*Ex-officio non-voting Members:* Councillor Mrs P A Channer, CC

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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**AGENDA**  
**CENTRAL AREA PLANNING COMMITTEE**  
**WEDNESDAY 20 MARCH 2019**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 18)

To confirm the Minutes of the meeting of the Committee held on 20 February 2019 (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. **HOUSE/MAL/19/00020 - 50 Victoria Road, Maldon, Essex, CM9 5HF** (Pages 19 - 28)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

6. **LDP/MAL/19/00083 - 24 Dorset Road Maldon Essex CM9 6JU** (Pages 29 - 34)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

7. **TPO 11/18 - 14 Fambridge Road, Maldon** (Pages 35 - 42)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

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

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## **Reports for noting:**

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
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### **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 – 6.
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](http://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. 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)

### **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
- 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 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

## **Supplementary Planning Guidance and Other Advice**

### **i) Government policy and guidance**

- National Planning Policy Framework (NPPF) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the report)
- Essex and South Suffolk Shoreline Management Plan – October 2010

### **ii) Essex County Council**

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

### **iii) Maldon District Council**

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide – 2017
- Maldon and Heybridge Central Area Masterplan - 2017
- 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 (adapted as Supplementary Planning Document (SPD) 2018)
- Vehicle Parking Standards SPD - 2018
- Renewable and Low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD – 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- Various Conservation Area Appraisals

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 FEBRUARY 2019**

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**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
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC

**876. CHAIRMAN'S NOTICES**

The Chairman drew attention to the list of notices published on the back of the agenda and reminded those members of the public present that they could only speak if called to do so.

**877. APOLOGIES FOR ABSENCE**

There were none.

**878. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 23 January 2019 be received.

**Minute No. 769 – FUL/MAL/158/01365 – South Embankment, Northey Island, Maldon Essex**

Councillor Miss M R Lewis referred to the fourth paragraph of this Minute on page 14 of the agenda pack and how Members had been provided with incorrect information regarding the 'Hold the Line' Policy. The Chairman sought to establish what was incorrect and following a discussion determined that the Minutes reflected the information provided to Members at the last meeting, whether correct or not, and the Minutes therefore were a true record of what occurred. Councillor Miss Lewis proposed that the Minutes of the last meeting therefore be recorded as being confirmed and not approved and confirmed. This was duly agreed.

## RESOLVED

- (ii) that the Minutes of the meeting of the Committee held on 23 January 2019 be confirmed.

### 879. DISCLOSURE OF INTEREST

Councillors M R Pearlman and M S Heard each disclosed a non-pecuniary interest in Agenda Item 10 - FUL/MAL/18/01516 – Land Rear of 63 High Street, Maldon as they knew the applicant.

Councillor Mrs N G F Shaughnessy declared an interest in Agenda Item 9 - FUL/MAL/18/01503 – Beacon House, 36 Acacia Drive, Maldon as she was acquainted with the applicant.

Councillor S J Savaged declared non-pecuniary interests in the following items as he was aware of the some of the objectors and supporters:

- Agenda Item 5: LBC/MAL/17/00763 AND FUL/MAL/17/00764 – The Friary, Park Drive, Maldon
- Agenda Item 6: FUL/MAL/18/01264 – Madison Heights, Park Drive, Maldon
- Agenda Item 7: FUL/MAL/18/01457 – Unit 4, Promenade Park, Park Drive, Maldon
- Agenda Item 10: FUL/MAL/18/01516 – Land Rear of 63 High Street, Maldon

Councillor Mrs P A Channer declared a non-pecuniary interest in the following Agenda Items as a Member of Essex County Council who were normally consulted on highway matters.

- Agenda Item 6: FUL/MAL/18/01264 – Madison Heights, Park Drive, Maldon
- Agenda Item 7: FUL/MAL/18/01457 – Unit 4, Promenade Park, Park Drive, Maldon
- Agenda Item 8: ADV/MAL/18/01473 – The Promenade Park, Park Drive, Maldon
- Agenda Item 9 - FUL/MAL/18/01503 – Beacon House, 36 Acacia Drive, Maldon
- Agenda Item 10: FUL/MAL/18/01516 – Land Rear of 63 High Street, Maldon

In relation to Agenda Item 5: LBC/MAL/17/00763 AND FUL/MAL/17/00764 – The Friary, Park Drive, Maldon, Councillor Mrs Channer advised that she would leave the chamber for this item of business as Essex County Council was the applicant and she had a close friend who lived nearby and had objected to the proposal. She also disclosed a pecuniary interest as a director of ECL which operated from a Essex building nearby.

The Committee received the reports of the Director of Strategy, Performance and Governance 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.

Following her earlier declaration Councillor Mrs P A Channer left the meeting at this point.

**880. LBC/MAL/17/00763 & FUL/MAL/17/00764 - THE FRIARY, CARMELITE WAY, MALDON, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/00763</b>
<b>Location</b>	The Friary Carmelite Way Maldon Essex
<b>Proposal</b>	Residential redevelopment for 28 dwellings comprising conversion of listed building to 7 apartments, demolition of unsympathetic 1960s extension and replacement with 2 townhouses, construction of new build development within the grounds to the south comprising 19 apartments, hard and soft landscaping and associated parking and infrastructure.
<b>Applicant</b>	Mr Derek Ford – Essex Housing, Essex County Council
<b>Agent</b>	Mr Steven Butler – Bidwells
<b>Target Decision Date</b>	31 October 2017
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Level of Public Participation

<b>Application Number</b>	<b>LBC/MAL/17/00764</b>
<b>Location</b>	The Friary Carmelite Way Maldon Essex
<b>Proposal</b>	Residential redevelopment for 28 dwellings comprising conversion of listed building to 7 apartments, demolition of unsympathetic 1960s extension and replacement with 2 townhouses, construction of new build development within the grounds to the south comprising 19 apartments, hard and soft landscaping and associated parking and infrastructure.
<b>Applicant</b>	Mr Derek Ford – Essex County Council Housing
<b>Agent</b>	Mr Steven Butler – Bidwells
<b>Target Decision Date</b>	26 September 2017
<b>Case Officer</b>	Yee Cheung
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	This Listed Building Consent has been called in by Councillor B E Harker on the grounds of public interests

It was noted from the Members' Update that Officers had sought to clarify paragraph 3.2.1 and update paragraph 5.3.8 of the report. An amendment to reason for refusal 1 was also suggested.

When presenting the application, the Development Control Team Leader referred to an email sent to all Members by the applicant the previous day requesting deferral of this application. The Officer advised that this was a matter for Members to consider.

Members were advised that the applicant had provided further information regarding parking and access but having considered these Officers reported their recommendation as set out in the report remained unchanged.

At this point the Chairman questioned whether Members wished to defer the application and it was agreed that they did not and wished to determine it.

An objector, Ms Judy Lea (speaking on behalf of the Maldon Society and local residents) and the Mr Butler, the Agent then addressed the Committee.

Councillor M R Pearlman, a Ward Member, proposed that the application be refused as per the Officers recommendation. This proposal was duly seconded and upon a vote being taken was agreed.

**FUL/MAL/17/00764:**

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

- 1 The proposed development, as a result of its layout, scale, mass, height and bulk, unsympathetic design, loss of important landscaping, and excessive site coverage would have an unacceptable visual impact upon the character and appearance of the site, the setting of the listed building at the site and the Conservation Area. The proposal would be contrived, out of keeping with the prevailing pattern of development and fail to integrate into the surrounding area both physically and visually or achieve a high quality design. Furthermore, the high density of the proposed development does not allow for sufficient amenity space for the two proposed dwellings. The proposal would therefore be contrary to Policies S1, S5, D1, D3 and H4 of the MDLDP and Government advice contained within the NPPF.
- 2 The proposed development would not be served by sufficient car parking of adequate size to comply with the Maldon District Vehicle Parking Standards 2018. Furthermore, the access within the site is considered to be of inadequate width and is therefore likely to cause conflict between vehicles and pedestrians. The proposal would therefore be served by inadequate parking and access arrangements which would have the potential to cause unsafe parking and conditions of unsafe vehicle and pedestrian movements. The proposal is therefore unacceptable and contrary to Policies D1 and T2 of the MDLDP.
- 3 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to Policies H1 and I1 of the MDLDP and Government advice contained within the NPPF.

**LBC/MAL/18/00763:**

**RESOLVED** that Listed Building Consent be **REFUSED** for the following reason:

- 1 The proposed development would involve works to the listed building including demolition of part of the building, which is not considered to be of significant heritage value alone. In the absence of an acceptable scheme for the replacement or mitigation of the demolition works it is considered that the proposed demolition would leave a void area to the side of the listed building that would not enhance or maintain the setting of the listed building. Such an unresolved situation is not outweighed by any wider public benefits derived from the works and it is therefore considered that the proposal is contrary to the

guidance contained within the National Planning Policy Framework (NPPF) and policies D1 and D3 of the Maldon District Local Development Plan (MDLDP).

**881. FUL/MAL/18/01264 - MADISON HEIGHTS, PARK DRIVE, MALDON**

<b>Application Number</b>	<b>FUL/MAL/18/01264</b>
<b>Location</b>	Madison Heights, Park Drive, Maldon, Essex, CM9 5JQ
<b>Proposal</b>	Two single storey extensions to the front elevation and retrospective permission for the erection of a canopy replacing the two former balconies
<b>Applicant</b>	Michael Kirkham
<b>Target Decision Date</b>	13.02.2019
<b>Case Officer</b>	Nicola Ward
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land

Members were advised that contrary to the first page of the Officers report there were suggested conditions (detailed at the end of the report) to which this application would be subject if Members were mindful to approve it.

**RESOLVED** that this application be **APPROVED** subject to the following conditions:  
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 1 The development hereby permitted shall accord with that shown on drawing numbers 568-01, 568-02, 568-03, 568-04, 568-05, 568-06, 568-07 and 568-08
- 2 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.

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.
- 3

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.

- 4 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.

- 5 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

## **882. FUL/MAL/18/01457 - UNIT 4, PROMENADE PARK, PARK DRIVE, MALDON**

<b>Application Number</b>	<b>FUL/MAL/18/01457</b>
<b>Location</b>	Unit 4, Promenade Park, Park Drive, Maldon
<b>Proposal</b>	Change of use of first aid hut into an A3 café.
<b>Applicant</b>	Mr Richard Holmes
<b>Agent</b>	Mr Richard Heard
<b>Target Decision Date</b>	22.02.2019
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Council application

It was noted from the Members' Update that a further letter of objection had been received.

**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 following documents: ATS/522/11, ATS/522/12, ATS/522/13, ATS/522/14.
- 3 The use hereby permitted shall only be undertaken between 10:00 hours and 18:00 hours on Monday to Sunday.
- 4 Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 5 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
- 6 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.

**883. ADV/MAL/18/01473 - THE PROMENADE PARK, MALDON**

<b>Application Number</b>	<b>ADV/MAL/18/01473</b>
<b>Location</b>	The Promenade Park Park Drive Maldon
<b>Proposal</b>	Illuminated sign.
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	-
<b>Target Decision Date</b>	28.02.2019
<b>Case Officer</b>	Spyros Mouratidis
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Council application

In response to a question, the Development Control Team Leader advised that providing the sign was advertising Council events no permission as required. This application sought permission to advertise non-council operations and therefore advertising consent was required.

A debate ensued and a number of concerns were raised particularly about the Council advertising and promoting non-Council events / operations. The consultation response from the Conservation Officer was also highlighted.

Councillor S J Savage, a Ward Member, proposed that the application be refused, contrary to the Officers' recommendation. This proposal was duly seconded. Considering the proposed refusal the Chairman sought a reason for refusal. Having listened to the debate the Development Control Team Leader suggested that the reason could relate to the advert having a harmful impact on the character and appearance of the heritage asset to the detriment of the heritage asset. This was duly agreed by Members.

The Chairman then put the proposal in the name of Councillor Savage and upon a vote being taken this was agreed.

**RESOLVED** that Advertisement Consent be **REFUSED** for the following reason:

- 1 The proposed development would not cause harm to the character and appearance of the area and is acceptable in all other respects. The proposal is therefore in accordance with the policies of the Maldon District Local Development Plan.

**884. HOUSE/MAL/18/01503 - BEACON HOUSE, 36 ACACIA DRIVE, MALDON**

<b>Application Number</b>	<b>HOUSE/MAL/18/01503</b>
<b>Location</b>	Beacon House, 36 Acacia Drive, Maldon
<b>Proposal</b>	Resubmission of HOUSE/MAL/18/01274 for two storey side extension, single storey front extension and widening of existing drive with porous material.
<b>Applicant</b>	Mr & Mrs Grimwade
<b>Agent</b>	Kevin Green – Anglia Design Services
<b>Target Decision Date</b>	22/02/2019
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor Mrs N G F Shaughnessy Reason: Request of applicant and in the public interest

Following the Officers' presentation, the Applicant, Mr Grimwade addressed the Committee.

Councillor Mrs N G F Shaughnessy, a Ward Member, supported the application referring to the proposed use of the extension and how it was not overlooking neighbours. She referred to the proposal not being overbearing and asked Members to consider supporting the application.

In response to a question, the Development Control Team Leader clarified that reference in the reason for refusal to 'consider to cause harm' related to the extension being considered to be a disproportionate addition in a prominent position as it was close to the junction.

Other Members spoke in support of the application referencing a similar application in Goldhanger Road, Heybridge. A Member requested that should Members be mindful to approve that consideration be given to adding a condition to ensure that the extension was not separated from the main dwelling. Councillor M S Heard, the other Ward Member, supported the application, outlining some of the changes that had been made to the application and advised that he supported the proposal of Councillor Mrs Shaughnessy.

The Development Control Team Leader highlighted several conditions which should be considered if Members were mindful to approve the application. The Officer advised that to be used a separate dwelling would require planning permission and therefore he did not feel there was need for a separate condition regarding this. He suggested that the reason for approval could relate to the character and appearance of the extension being acceptable and there being no harmful impact in any other way. Upon a vote being taken the application was approved, contrary to the Officers recommendation and subject to the suggested conditions and reason for approval.

**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 accordance with the following approved plans: 3260.01, 3262.03A, 3262.04A.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.

**885. FUL/MAL/18/01516 - LAND REAR OF 63 HIGH STREET, MALDON, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/18/01516</b>
<b>Location</b>	Land rear of 63 High Street Maldon Essex
<b>Proposal</b>	Proposed new open cart lodge extension
<b>Applicant</b>	Mr & Mrs Salisbury
<b>Agent</b>	Ashley Robinson
<b>Target Decision Date</b>	27 February 2019
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call in by Councillor Pearlman as he feels this application is in keeping with the surroundings.

It was noted from the Members' Update that a consultation response had been received from Essex County Archaeology.

**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 accordance with the following approved plans and documents: drawing 1 rev.A
- 3 The development hereby permitted shall only be used in association with the garden area and for those purposes incidental to the enjoyment of residents of 63 High Street and not for any other purpose including commercial or business purpose.
- 4 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
- 5 No development shall take place until details have been submitted and approved in writing by the Local Planning Authority in accordance with the requirements of BS5837:2012 in relation to tree retention and protection as follows:
  - Tree survey detailing works required;
  - Trees to be retained;
  - Tree retention protection plan;
  - Tree constraints plan;
  - Arboricultural implication assessment;
  - Arboricultural method statement (including drainage service runs, construction of hard surfaces, protective fencing and ground protection).



The development shall be carried-out in accordance with the approved details.

- 6 No development shall take place above slab level until samples of the external materials to be used in the construction of the cart lodge have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

**886. TPO 12/18 - UNITY, TENTERFIELD ROAD, MALDON**

<b>Tree Preservation Order</b>	<b>TPO12/18</b>
<b>Location</b>	Unity, Tenterfield Road, Maldon
<b>Proposal</b>	Confirmation of TPO 12/18
<b>Owner</b>	Mr. Mark Powell
<b>Confirmation by</b>	24.04.2019
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

In response to questions, the Development Control Team Leader advised that the Tree Preservation Order (TPO) had been served in response to an application to undertake works to the tree and following consultation with the Tree Officer it had been deemed appropriate action.

Members discussed the report and several concerns were raised regarding the proximity of the tree to the adjacent dwelling, including possible root damage. Councillor Rev. A E J Shrimpton proposed that the Tree Preservation Order not be confirmed, contrary to Officers' recommendation. This proposal was duly seconded and upon a vote being taken agreed.

**RESOLVED** that Tree Preservation Order 12 / 18 **NOT** be **CONFIRMED**.

There being no further items of business the Chairman closed the meeting at 8.45 pm.

B E HARKER  
CHAIRMAN





**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
20 MARCH 2019**

<b>Application Number</b>	<b>HOUSE/MAL/19/00020</b>
<b>Location</b>	50 Victoria Road, Maldon
<b>Proposal</b>	Loft conversion with rear dormer, raising part of the party wall, proposed side window, internal alterations, refurbishment of ground floor front windows, and replacement of all other windows. Alterations to the fenestration apertures to the rear elevation.
<b>Applicant</b>	Mr Timothy Lloyd
<b>Agent</b>	Mr Robert Turner – Robert Turner Associates
<b>Target Decision Date</b>	22.03.2019
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by: Councillor Rev A E J Shrimpton Reason: Public interest

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**19/00020/HOUSE**  
**50 Victoria Road, Maldon**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	25/02/2019
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the north east of Victoria Road, within the settlement boundary and conservation area of Maldon. The application relates to a two storey semi-detached dwelling. The surrounding area is residential in nature with properties of a similar design. There is a block of flats opposite the application site.
- 3.1.2 Victoria Road is covered by an Article 4 direction, which removes permitted development rights for the replacement of windows and doors in an elevation of any dwellinghouse fronting a highway or open space. This is intended to maintain the original style and materials of the windows and doors.
- 3.1.3 Planning permission is sought for a loft conversion with a rear dormer, a front rooflight, the installation of a new side window, the refurbishment of the front windows and the replacement of the rear windows. There will be new ground floor double doors and a first floor Juliet balcony on the rear elevation.
- 3.1.4 The rear dormer will measure 2.2 metres wide, 2.1 metres high and 2.1 metres deep. It will be made of lead and slate. It is also proposed to raise the party wall by 0.7 metres between the dwelling on the application site and the adjoining neighbour to the southeast.
- 3.1.5 One rooflight will be installed on the front roof slope.
- 3.1.6 There will be a Juliet balcony on the rear elevation at first floor level. A ground floor rear window will be removed and the existing ground floor double doors on the rear elevation will be repositioned.
- 3.1.7 The side and rear windows will be made of PVCu, the ground floor front windows will be refurbished with secondary glazing added, and the first floor front windows will be replaced with double glazed units with a timber casement and vertical sliding sashes.
- 3.1.8 There are also proposed alterations to the internal layout. However these do not require planning permission.
- 3.1.9 It is noted that this application is a resubmission of a previously refused application, HOUSE/MAL/18/01021. The reason for refusal was:
- ‘The proposed rear dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the surrounding conservation area. The proposal is therefore contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’*
- 3.1.10 The amendments under this application relate to the dormer being of a smaller size and design. The party wall is also being raised and the side window is a slightly different design. All other elements have not changed from the previous application.

### **3.2 Conclusion**

- 3.2.1 It is considered that the proposal would not result in detrimental harm to the character and appearance of the site or the surrounding area. Furthermore, the proposal would not have a harmful impact on the residential amenity of neighbouring occupiers, parking provision or private amenity space. The proposal is therefore considered to have overcome the reasons for refusal in the previous application and is considered to be in accordance with policies H4, D1 and D3 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework.

## **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide (MDDG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

## 5.2 Design and Impact on the Character 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 seek to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.2.3 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:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency

5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.2.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. 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.

- 5.2.6 Victoria Road forms part of the Maldon Conservation Area and is characterised by two storey, detached and semi-detached dwellings most of which date back to late 19th and early 20th century. The dwellings within the vicinity of the site are of a similar architectural style. In addition, the road is covered by an Article 4 direction, intended to maintain the original style and materials of the windows and doors.
- 5.2.7 The dormer window has been reduced in size from the previous application, in particular by 1.8 metres in width and the flat roof style has been changed to a pitched roof. In terms of scale and appearance, it is considered to be an acceptable addition as it is more in keeping with the style and design of the existing dwelling than the previous design. The materials of slate and lead are also considered to be sympathetic to the conservation area. This is supported by the Council's Conservation Officer subject to the condition that drawings of the front windows illustrating elevations will be submitted for approval prior to their installation.
- 5.2.8 The proposed dormer would not be highly visible from within the public realm. It would be partially visible from neighbouring gardens. However it is considered that the smaller pitched roof dormer and use of sympathetic materials would not detrimentally harm or erode the traditional architectural character of this part of the conservation area. Therefore the proposed dormer is considered to effectively preserve the special character and appearance of the conservation area. This has been considered and supported by the Council's Conservation Officer who has raised no objections.
- 5.2.9 The installation of the roof light on the front roof slope is not considered to cause demonstrable harm to the character and appearance of the conservation area, in particular as there is an existing roof light on the front roof slope. Furthermore, this could be undertaken under permitted development and therefore it would be unreasonable to object to this element of the proposal.
- 5.2.10 It is proposed to refurbish the ground floor front windows and add secondary glazing. It is also proposed to replace the first floor front windows with double glazed units with a timber casement. This is considered to be in keeping with the character and appearance of the dwelling and would represent an enhancement from the existing windows.
- 5.2.11 The rear windows will be replaced by PVCu windows and a new first floor side PVCu window will be constructed. Although the use of PVCu is not considered to be entirely in keeping with the character and appearance of the surrounding area, as it will only feature on the side and rear elevations, it will not be highly prominent within the streetscene. In relation to the side window, there will only be views of this window from directly opposite the property, as the neighbouring dwelling is located within a close proximity, 1.5 metres, from the side elevation in which the window will be located. Therefore, the impact of the use of PVCu is not considered to detrimentally impact on the character and appearance of the dwelling or the conservation area to an extent that would warrant the refusal of the application.
- 5.2.12 It is proposed to replace the existing first floor rear window with a Juliet balcony. A ground floor rear window will be removed and glazed double doors will be installed at ground floor level. These additions and alterations are considered to be acceptable. They are located on the rear and would therefore have a limited impact on the

streetscene, and would not cause detrimental harm to the character and appearance of the existing dwelling or the conservation area to an extent that would justify the refusal of the application.

- 5.2.13 In terms of proposed materials, there is no objection to any of these. There are also no objections to the internal alterations as they do not require planning permission.
- 5.2.14 Overall, the proposal is considered to have overcome the concerns raised in the previous application. The development is therefore considered to be in accordance with policies D1 and D3 of the 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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The neighbouring dwelling to the south east, No.48 Victoria Road, abuts the boundary with the dwelling on the application site. The dormer will abut the boundary with the neighbour. There will not be any windows facing the neighbour. There may be some views of the neighbouring garden from the dormer window, and also from the proposed Juliet balcony. However these are not considered to be materially different from the existing first floor windows and therefore this does not warrant the refusal of the application. The party wall will be raised 0.7 metres along the boundary between the dwelling on the application site and the neighbour, No.48 Victoria Road. This will shield most of the dormer from view from the neighbouring site. The raising of the party wall is not considered to harm the residential amenity of the neighbour to the south east, in terms of overshadowing, to an extent that would justify the refusal of the application.
- 5.3.3 The neighbouring dwelling to the North West, No.52 Victoria Road, is located 0.6 metres from the shared boundary and 1.5 metres from the dwelling on the application site. The proposed window at first floor level on the North West side elevation will face the side elevation of the neighbouring dwelling, where there are no windows, and will be obscure glazed and therefore this would not have a harmful impact on the residential amenity of the neighbouring dwelling. The proposed dormer and Juliet balcony may have some views of this neighbouring site, but they would not be materially different to the views from the existing windows. Therefore, the proposal will not result in a loss of privacy to an extent that would justify the refusal of the application.
- 5.3.4 The dwelling on the application site is located 19.5 metres from the rear boundary. Any outlook from the proposed dormer window and Juliet balcony are not considered to be materially different from the existing first floor windows and will therefore not result in a detrimental impact by way of overlooking.
- 5.3.5 The dwellings across Victoria Road are located a minimum of 14.5 metres from the front boundary of the application site. Due to the distance between these dwellings and the application site, the proposed developments will not have a demonstrable impact on the neighbours to the south west.

- 5.3.6 All other dwellings are located at a distance where the proposal will not impact on their residential amenity.
- 5.3.7 It is consequently considered that the development would not detrimentally impact upon the residential amenity of neighbouring occupiers and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, 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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed dormer will add one bedroom to the dwelling, increasing the number of bedrooms from two to three. The site currently has no off-street parking. However the number of parking spaces required for a two or three bedroom dwelling does not increase and therefore there is no objection to the dormer in relation to parking or highway safety.
- 5.4.4 A wall is being built in the bathroom at first floor level, to divide this into two rooms and create a study. It is noted that this study could be converted into a bedroom at a later date. However the subdivision of the existing bathroom does not require planning permission as it only relates to internal works and therefore there is no objection to this element of the proposal in terms of parking provision.
- 5.4.5 The proposal is not considered to result in a detrimental impact on parking provision or highway safety to an extent that would justify the refusal of the application.



## **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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.5.2 The rear garden measures 130 square metres. The proposed developments will not reduce the amount of private amenity space and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

## **6. ANY RELEVANT SITE HISTORY**

- **HOUSE/MAL/18/01021** - Loft conversion with rear dormer, front roof light, install side window, internal alterations and replacement of existing windows. Alterations to the fenestration apertures to the rear elevation including Juliet balcony and new ground floor window. Refurbish ground floor windows and add secondary glazing, and replace first floor windows with double glazed timber units. – Refused

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval.	Comments noted.

### **7.2 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No. 50 is a relatively unaltered and typical example of the houses which characterise this part of the conservation area. It makes a positive contribution to this part of the Maldon Conservation Area. The main problem with the previous application was the scale and design of the dormer. In the revised scheme, the dormer is smaller and has a pitched roof. This scheme is	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	<p>more in keeping with the character of the area.</p> <p>No objection to the reinstatement of timber sash windows on the front elevation at first floor level.</p> <p>No objection subject to a condition regarding large scale drawings of the front windows.</p>	

**7.3 No representations have been received for this application.**

**8. PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**REASON** To comply with Section 91(1) 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: 583/03 A, 583/04 A, 583/01 Rev C1, 583/02 Rev C3.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the development hereby approved shall be as set out within the application form/plans hereby approved.  
**REASON** In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 Prior to the installation of the front windows, large scale drawings on the front windows illustrating elevation at 1:20 and the section profile of glazing bars, heads and rails at 1:2, shall be submitted to and approved in writing by the Local Planning Authority.  
**REASON** In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
20 MARCH 2019**

<b>Application Number</b>	<b>LDP/MAL/19/00083</b>
<b>Location</b>	24 Dorset Road, Maldon, Essex CM9 6JU
<b>Proposal</b>	Claim for lawful development certificate for a proposed single storey rear extension and infilling of window to south elevation.
<b>Applicant</b>	Mr & Mrs R Holmes
<b>Agent</b>	Mr A Taylor
<b>Target Decision Date</b>	22.03.2019
<b>Case Officer</b>	Annie Keen
<b>Parish</b>	<b>MALDON WEST</b>
<b>Reason for Referral to the Committee / Council</b>	Member of Staff

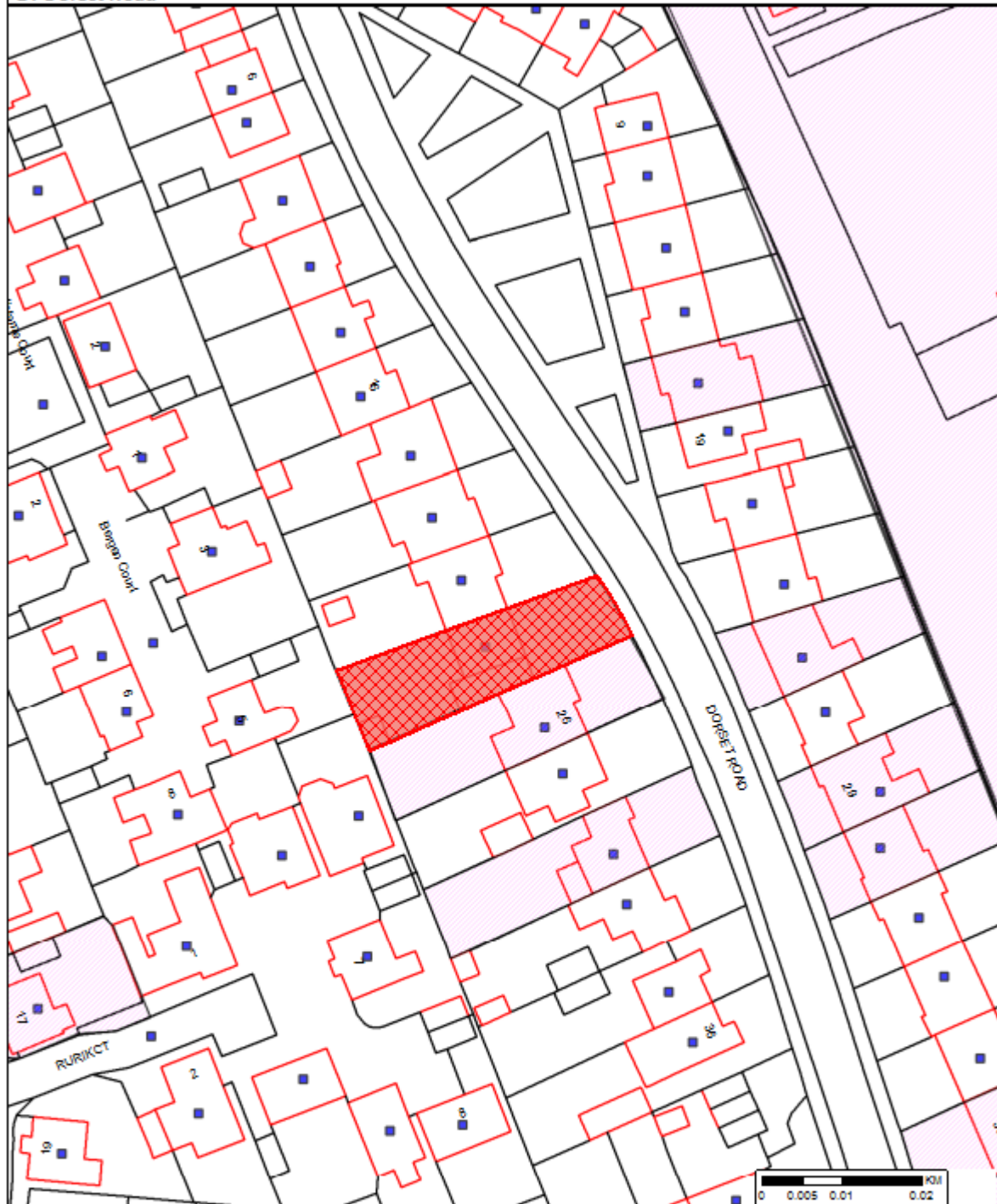
**1. RECOMMENDATION**


**GRANT CERTIFICATE OF LAWFULNESS** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

19/00083/LDP  
24 Dorset Road



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	19/02/2019
www.maldon.gov.uk	MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the west of Dorset Road, within the settlement boundary of Maldon. The site is occupied by a two storey semi-detached dwelling.
- 3.1.2 The proposal seeks a lawful development certificate for the erection of a single storey rear extension and infilling of a window to the southern elevation. The proposed rear extension would measure 3.6 metres in width and would project 2.4 metres from the original rear elevation of the dwelling. The extension would measure 2.8 metres in height to the eaves with an overall height of 3.7 metres.
- 3.1.3 The proposed materials in the construction of the development are interlocking roof tiles, white uPVC windows, uPVC fascia's and brick work to match the existing dwelling and led flashing.
- 3.1.4 The assessment is made in regard to government legislation and the decision must be reached in accordance with the stipulations within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 3.1.5 It is noted that this application must be determined by the area planning committee due to the applicant being a member of staff at the Council.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposal would constitute Permitted Development within the allowance provided by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended).

### **4. POLICY CONTEXT**

- 4.1 The application must be determined on the basis of evidence submitted and statutory legislation within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **5. ASSESSMENT**

#### **5.1 Rear extension**

- 5.1.1 The application for the extension must be determined on the basis of evidence submitted and statutory legislation within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.1.2 An initial search of the planning history was undertaken and it appears that permitted development rights have not been removed from this property.

- 5.1.3 The proposed extension constitutes an enlargement, addition or alteration to a dwellinghouse. It falls within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.1.4 Permission to use the building as a dwellinghouse has not been granted by virtue of the parts of permitted development rights that allow the changes of use of buildings, to residential dwellings in accordance with stipulation A.1 (a).
- 5.1.5 As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse), in accordance with stipulation A.1 (b).
- 5.1.6 The existing dwelling is two storey in nature. The proposed extension would be single storey, therefore the height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse, in accordance with stipulation A.1 (c).
- 5.1.7 The height of the eaves of the part of the proposed extension would not exceed the height of the eaves of the existing dwellinghouse, in accordance with stipulation A.1 (d).
- 5.1.8 The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse; or fronts a highway and forms a side elevation of the original dwellinghouse, in accordance with stipulation A.1 (e).
- 5.1.9 The proposed development is single storey and would not exceed 4 metres in height. The dwelling is semi-detached, linked by a party wall connected to No.22 Dorset Road and therefore the rear extension cannot extend beyond 3 metres from the rear elevation. The extension projects 2.7 metres from the rear elevation of the original dwelling and therefore the extension is in accordance with stipulation A.1 (f) and (g).
- 5.1.10 The extension is single storey and therefore stipulation A.1 (h) does not apply as it relates to extensions of more than one storey.
- 5.1.11 The enlarged part of the dwellinghouse is not located within 2 metres of the boundary of the curtilage of the dwellinghouse and therefore stipulation A.1 (i) falls away.
- 5.1.12 The proposed development is a rear extension therefore the stipulations of A.1 (j) fall away.
- 5.1.13 From the details submitted, the proposed works do not consist of or include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse in accordance with stipulation A.1 (k).
- 5.1.14 The dwellinghouse is not located on Article 2(3) land and therefore stipulation A.2 falls away.

## **5.2 Infilling Window on South Elevation**

- 5.2.1 The proposed infilling of the window on the southern elevation constitutes an alteration to a dwellinghouse. It falls within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.2.2 The infilled window will not result in any part of the dwelling being extended and therefore stipulations A.1 (b) – A.1 (ja) do not apply.
- 5.2.3 From the details submitted, the infilled window does not consist of or include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse in accordance with stipulation A.1 (k).
- 5.2.4 As stated above, the dwellinghouse is not located within article 2(3) land and, therefore, stipulation A.2 falls away.
- 5.2.5 The window must be infilled using materials that match the external materials of the existing dwelling. The plans state that brickwork, that matches the existing brickwork, will be used to infill the window. An informative will be included to highlight this requirement.

## **6. ANY RELEVANT SITE HISTORY**

- **MAB/97/61/6** – Residential development – Approved

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	No comment	Noted

- 7.1.1 There is no statutory requirement to consult third parties, however it is noted that Maldon Town Council have no comments.

## **8. GRANT CERTIFICATE OF LAWFULNESS**

- 8.1 The proposed rear extension and infilled window would fall within the tolerance of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### **Informative**

1. The proposed external materials to be used as part of the development agreed must match those of the existing dwelling.

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**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
20 MARCH 2019**

<b>Tree Preservation Order</b>	<b>TPO 11/18</b>
<b>Location</b>	14 Fambridge Road, Maldon
<b>Proposal</b>	Confirmation of TPO 11/18
<b>Owner</b>	Simon Baker
<b>Confirmation by</b>	15.04.2019
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

**1. RECOMMENDATION**

**CONFIRM Tree Preservation Order (TPO) 11/18** without any modifications.

**2. SITE MAP**

Please see overleaf.

Tree Preservation Order		Details	
<b>TPO 11/18 - T1 Ash</b> <b>14 Fambridge Road, Maldon</b>			
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<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>			

### **3. SUMMARY**

3.1 In September 2018, the Council received a notification under the terms of Section 211 of the Town and Country Planning Act 1990, to undertake works to a tree within a Conservation Area. The notification proposed to fell the Ash tree growing in the rear garden of 14 Fambridge Road, Maldon. The proposed removal of the tree was considered to materially impact on the amenity of the area. Therefore, a Tree Evaluation Method for Preservation Orders (TEMPO) assessment, which is a professionally and nationally accepted system of scoring the amenity value of a tree, was carried out. The TEMPO assessment scored the tree 14 out of 25 and concluded that the tree was worthy of a Tree Preservation Order (TPO). Therefore, a TPO was served on 15 October 2018.

3.2 One objection has been received relating to the serving of TPO 11/18 and it has not been resolved, and therefore the question of whether or not to confirm the TPO has been brought before members to decide.

#### **3.3 The Site**

3.3.1 The Ash tree is located within the rear garden of 14 Fambridge Road, Maldon. It is located on the south west boundary, north of the footpath. The site is within the settlement boundary and conservation area of Maldon.

3.3.2 The site is located west of Fambridge Road, east of Spital Road and north of Mount Pleasant. The tree is positioned within the rear garden of the site. The tree is close to the south west boundary of the site. There is a car park to the west of the tree and therefore the tree is highly visible from Spital Road, Mount Pleasant and the footpath to the south, The Chase.

3.3.3 The location of the tree to the west of the site, and the lack of many other trees of a similarly large size in the immediate area means that the tree plays a significant role within the streetscene.

#### **3.4 Ownership**

3.4.1 The tree is within the property of 14 Fambridge Road, which is known to be owned by Simon and Lorraine Baker.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 Corporate Plan 2015-2019:**

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

#### **4.2 Relevant Planning Guidance / Documents:**

- National Planning Policy Guidance (NPPG)

#### 4.3 **Government Guidelines:**

- 4.3.1 Government guidelines advise that: The LPA is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to Confirm TPO 11/18, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:
  - 1. that the TPO is not within the powers of the Act, or
  - 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO is confirmed.

#### 5. **MAIN CONSIDERATIONS**

- 5.1 The T1 Ash tree is located along the south west boundary of 14 Fambridge Road. It is a large tree which is situated within an open location to the west of the site and is therefore highly visible from the public realm within Spital Road, Mount Pleasant and the footpath to the south, The Chase. The T1 Ash tree is therefore considered to hold significant amenity value, adding to the character and appearance of the surrounding area, which is a conservation area.
- 5.2 There are other trees to the north and east of the Ash tree, within the garden of 14 Fambridge Road. However the T1 Ash tree is the largest and most prominent tree, in particular from views from the west of the site. It is located within a relatively open location and therefore the Ash tree is considered to hold significant amenity value, adding to the character and appearance of the surrounding conservation area. Please see **APPENDIX 1** for the site photos.
- 5.3 The Tree Preservation Order was served in response to a request being made to fell the tree. The proposed felling of the tree was considered excessive and unnecessary and the tree's amenity value would have been lost to the detriment of the conservation area. Further to this, justification for the works was not considered sufficient in mitigating the harm caused by the loss of the tree. Therefore, the Ash tree was assessed using the Tree Evaluation Method for Preservation (TEMPO) and the tree scored 14 out of 25 which means that a TPO is defensible.
- 5.4 Within the objections to the TPO (summarised below) it was stated that the tree should be removed due to it causing subsidence to the property to the south. However it is considered that insufficient evidence has been provided to show that the Ash tree has caused the damage to the property. Furthermore, there has been no evidence provided that demonstrates removing the tree is the only solution. It appears that no other management regimes for the tree have been explored and therefore the works are not justified and the concerns raised in relation to the impact of the retention of the tree do not outweigh the contribution the tree makes to the amenity of the area. If an application for works to a protected tree is received by the Council, this is information that would be taken into consideration and assessed at that time.

- 5.5 It is relevant to note that the serving of a TPO does not prevent an application being made for reasonable works to the tree but does give the Local Planning Authority the ability to assess those works.

## 6. SITE HISTORY

- **TCA/MAL/99/00021** – Tree removals and pruning operations as remedial works in relation to subsidence – Allow
- **WTPO/MAL/99/00547** – Proposed work to Yew Tree-Crown reduction of up to 25% (TPO 20/91) – Refused
- **TCA/MAL/99/00040** – Proposed works to trees – Allow
- **TCA/MAL/03/00079** – 30% crown reduction of Lime Tree, 25% crown reduction of Pear Tree, Reduce to previous pruning points - 3 Horse Chestnut Trees, 30% crown thin Ash Tree, 35% height reduction and crown thin 2 Bay Trees, 30% height reduction of Holly Tree, Fell and remove Plum Tree and Reduce height of Conifer Tree to clear lamppost – Allow
- **WTPO/MAL/06/01268** – Thin crown by 15%, lift to 4 metres and reduce length of co-dominant stem by 2 to 3 metres of Chestnut (T1), Carry out crown lift by removing three branches from lower part of stem and thinning by 20% of Yew (T2). – Approved
- **TCA/MAL/06/01273** – Fell one Prunus (T3), Pollard one Lime (T4), Reduce height of two Bay trees (T5 and T6) by 50%, Reduce Ash (T7) to original pruning points, Reduce Prunus (T8) height by 50%, Pollard one Weeping Ash (T9), Pollard three Chestnuts (T10, T11, and T12), Crown lift to 3 metres of Acer Platanoides. – Allow
- **TCA/MAL/15/00648** – T1 Lime – Re-pollard – Allow
- **TCA/MAL/16/00869** – T1 Ash - Prune to clear adjacent property by approx 1.5m. G1 Mixed species (group to left, adjacent to No.16) - Prune crowns to clear adjacent properties by approx 1.5m. G2 Mixed species (to front) - Prune to clear footpath to 2.5m and highway by 5.2m. T2 Sycamore - Fell & poison. T3 Plum (to left hand side) - Fell & poison – Allow
- **WTPO/MAL/16/00977** – T2 Horse Chestnut – Prune Crown and reduce overhang by 1.5m – Approved
- **TCA/MAL/18/00772** – T1 Spruce - Fell. T2 Ash - Reduce crown back to previous pruning points - 7 metres. T3 Ash - Reduce crown back to previous pruning points- 7 metres. T4 Horse Chestnut - Remove re-growth back to pruning points - 5 metres. T5 Horse Chestnut - Remove re-growth back to pruning points - 1 metre. T6 Mixed Species - Reduce by 5 metres and trim branches overhanging footpath by 1.5 metres. - Withdrawn
- **TCA/MAL/18/01057** – T2 Ash – Fell due to causing subsidence to neighbouring property. – TPO Served 11/18

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Interested Parties**

- 7.1.1 One letter of objection has been received in relation to the serving of the TPO 11/18. The contents have been set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
The tree is causing subsidence to the neighbor to the south.	Insufficient evidence has been provided to show the tree has caused the damage.
The tree has outgrown its location and is too large for a residential area	Comments noted. There is no evidence to suggest it has outgrown its location.
If it fell, it would damage at least three properties.	Comments noted. There is no evidence to suggest it is likely to fall.
The tree is not well maintained and causes damage to the guttering and garden by falling leaves and branches.	This is not considered to justify the removal of the tree.
Issues with bird excrement.	This is not considered to justify the removal of the tree.
CCTV is being triggered unnecessarily by the tree.	This is not considered to justify the removal of the tree.
The tree shields the sun from the garden.	This is not considered to justify the removal of the tree.
Impact on the footpath to the south, including leaves being a slip hazard, roots pushing up the path and the crown shielding the streetlights.	This is not considered to justify the removal of the tree.

## **8. CONCLUSION**

- 8.1 The Ash tree subject of the TPO makes a significant contribution to the character and appearance of the Maldon Conservation Area due to its prominent position and its mature and attractive nature.
- 8.2 There has been insufficient justification provided to suggest that the tree is causing damage to the neighbouring dwelling to the south. Furthermore, there has been no evidence provided which suggests that other management regimes have been explored to prevent the need of removing the tree. Therefore, given that the tree has a TEMPO score of 14 out of 25; it is considered that the TPO should be confirmed to prevent the loss of a significant tree which plays as significant role in shaping the character and appearance of the Maldon Conservation Area.



Site Photos

View from Spital Road looking east towards the car park to the west of the tree.



View from Mount Pleasant looking east, towards 1 Mount Pleasant



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