



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
13 NOVEMBER 2019**

PRESENT

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| Chairman | Councillor M S Heard |
| Vice-Chairman | Councillor S P Nunn |
| Councillors | Miss A M Beale, M R Edwards, C Mayes, C Morris, N G F Shaughnessy, Mrs J C Stilts and C Swain |

532. CHAIRMAN'S NOTICES

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

533. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B E Harker and K M H Lagan.

534. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 24 July 2019 be approved and confirmed.

535. DISCLOSURE OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as the Ward Member and he knew the applicant. He further declared a non-pecuniary interest in Agenda Item 6, ADV/MAL/19/00935 – 102B High Street, Maldon, Essex, CM9 5ET, as the Ward Member.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as she knew the applicant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 5, FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED as she knew the applicant.

536. FUL/MAL/19/00730 - THE QUEEN VICTORIA, SPITAL ROAD, MALDON, ESSEX, CM9 6ED

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| Application Number | FUL/MAL/19/00730 |
| Location | The Queen Victoria Public House, Spital Road, Maldon |
| Proposal | Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision. |
| Applicant | Mr John Hubbard |
| Agent | Mr Matthew Chorley - Alderton Associates |
| Target Decision Date | 15.11.2019 |
| Case Officer | Nicola Ward |
| Parish | MALDON NORTH |
| Reason for Referral to the Committee / Council | Member Call In – Councillor C Mayes Public interest, an increase in parking provision, provision of disabled parking and access through the venue site, and local amenity value. |

The Officer presented their report to the Committee and made reference to the Members' Update which confirmed that a further eight letters of representation had been received.

Following the presentation, Mr Chris Harvey, a Supporter, and Mr James Burrell, speaking on behalf of both the Applicant and Agent, addressed the Committee.

Councillor S P Nunn opened the discussion requesting that further information be provided around the parking quota allocated to the public house, and how the Council reached its decision.

The Lead Specialist Place advised that Officers were following the guidance in Maldon District Council's adopted Vehicle Parking Standards SPD as reflected within the report. It was acknowledged that the majority of public houses were constructed prior to the invention of motor vehicles and therefore the allocation was considered on a case by case basis.

Further clarification was requested from Councillor C Mayes with regards to the specific boundary of the town centre. Officers confirmed that the boundary line sat at the top of Fambridge Road, and that it was clear which buildings were either sited within or outside of the boundary line. It was also recognised that, as the public house was situated within a residential area, patrons would use neighbouring roads for parking.

A brief discussion ensued with Members seeking further information on the carpark at the public house. In response to questions, Officers confirmed that at the site visit, it was noted that spaces were not clearly marked up. The proposed layout was not workable, with the distance between spaces being approximately 4.5meters, contrary to guidance requiring approximately 6meters to allow movement for vehicles. It was also noted that given the floor space of the public house was increasing this would need to be reflected in the amenities provided.

Councillor C Morris proposed that the application be approved contrary to the Officer's recommendation, as the benefits for the community far outweighed the disadvantages. This was duly seconded, and upon a vote being taken the application was approved.

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

Subsequent to the meeting, the Lead Specialist Place advised Members that this report would need to come back to the next meeting of the Committee in order to confirm conditions which had not been discussed as part of the approval.

537. ADV/MAL/19/00935 - 102B HIGH STREET, MALDON, ESSEX, CM9 5ET

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| Application Number | ADV/MAL/19/00935 |
| Location | 102B High Street, Maldon |
| Proposal | Application for advertisement consent for an externally illuminated fascia sign. |
| Applicant | Mr Robert Muca |
| Agent | C B S Cumbers |
| Target Decision Date | 14.11.2019 |
| Case Officer | Nicola Ward |
| Parish | MALDON NORTH |
| Reason for Referral to the Committee / Council | Member Call In – Councillor C Mayes |

Councillor C Morris declared a non-pecuniary interest in this application as he had frequented the establishment.

The Officer presented their report to the Committee, after which Mr Chris Cumbers, the Agent, addressed the Committee.

Councillor C Mayes opened the discussion, querying what specifically was problematic with the signage. In response, the Lead Specialist Place advised that any signage would need to preserve or enhance the character of the conservation area where the shop was located, and that the scale and materials used were not in keeping with the streetscene.

A discussion ensued with Members commenting on the increase in footfall brought to the highstreet, querying the external illumination and numerous glass shop fronts, and referencing the Conservation Officer's comments, which did not object to the signage.

Councillor C Morris proposed that the application be approved contrary to the Officer's recommendation, as the sign was not considered incongruous to the character of the conservation area. This was duly seconded.

The Chairman put Councillor C Morris's proposal to the committee, and upon a vote being taken four Members voted in favour and four Members voted against the proposal. The Chairman, in accordance with Procedure Rule 13 (2), made the casting vote against Councillor C Morris's proposal.

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

1. The style and size of the signage has resulted in a dominant advertisement that is considered to be an incongruous addition that detracts from the site and the wider character and appearance of the Conservation Area. The harm is exacerbated by the choice of materials. Therefore, the proposal does not preserve or enhance the character and appearance of the Conservation Area and is contrary to policies D1, D3 and D6 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

Councillor C Mayes thanked the Officers for their work on the applications brought to this Committee.

538. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

539. ENFORCEMENT UPDATE

The Chairman advised the Committee that this report had been requested for Members to note the items listed, and review in three months' time. The Chairman requested that any queries Members had regarding specific items were directed to Officers outside of the meeting.

A short discussion ensued and, in response to questions from Members, Officers provided the following information:

- Complaints relating to trees remain open for a substantial period of time to allow Officers to monitor and assess whether there has been any damage to respective trees;
- At present there are four FTE working within enforcement, two are employed by the Council and two are interim contractors;
- When a new complaint is received the Council has to respond within a reasonable timeframe and also visit the site within a reasonable timeframe. It was noted that collating evidence can take months, and as appeals are considered the least important category it can take upwards of twelve months before a case can be resolved;
- There is not a specific length of time in which cases are required to be closed, however the Council is required to be seen as acting reasonably;
- It was noted that Officers will, when appropriate, forward any concerns on safeguarding to the relevant departments. This is actioned on a case by case basis;
- Maldon District Council does not employ Compliance Officers; therefore the Council is reliant on receipt of complaints for identifying any breaches.

The Chairman recommended that this report be brought back to the Committee in February for an update, and that Members approach Officers directly with questions on individual cases.

RESOLVED

- (i) That the content of this report be noted;
- (ii) That Members approach Officers directly with any queries on individual cases;
- (iii) That an update be provided to the February meeting of this Committee.

There being no further items of business the Chairman closed the meeting at 8.40 pm.

M S HEARD
CHAIRMAN