



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
22 JANUARY 2020**

PRESENT

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

666. CHAIRMAN'S NOTICES

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

667. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B E Harker and C S Swain.

668. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 11 December 2019 be approved and confirmed.

669. DISCLOSURE OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon, as he was acquainted with the applicant.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as she had a telephone conversation with the applicant.

Councillor Mrs J C Stilts declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as she knew the applicant and frequented the restaurant.

Councillor K M H Lagan declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as he had a conversation with the applicant and Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he frequented the restaurant.

Councillor C Mayes declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon as she had a conversation with the applicant and Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as she was acquainted with the applicant.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he had a conversation with the applicant regarding the procedures at planning committees.

Councillor C Morris declared a non-pecuniary interest in both Agenda Item 5 - 19/01204/FUL - Land adjacent 53 Orchard Road, Maldon and Agenda Item 7- 19/01242/HOUSE - 56 Viking Road, Maldon as he knew both applicants.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 7 - 19/01242/HOUSE - 56 Viking Road, Maldon as he frequented the restaurant.

670. 19/01204/FUL - LAND ADJACENT 53 ORCHARD ROAD, MALDON

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| Application Number | 19/01204/FUL |
| Location | Land adjacent 53 Orchard Road Maldon |
| Proposal | Construction of a pair of semi-detached dwellings, off street parking provision and ancillary works |
| Applicant | Mr Tony Church |
| Agent | Mr Derek Lawrence - Lawrence Planning Limited |
| Target Decision Date | 31.01.2020 |
| Case Officer | Kathryn Mathews |
| Parish | MALDON WEST |
| Reason for Referral to the Committee / Council | Member Call-in: Councillor C Mayes Reason: Policy D1, H1, H4, S1 |

At this point of the meeting Councillor MS Heard, the Chairman, declared a non-pecuniary interest in this item as he knew the agent.

Following the Officer's presentation, Mr Derek Lawrence, the Agent, addressed the Committee.

Councillor Morris opened the debate by stating that his opinion had not changed since the previous time this was before committee. He felt that in light of the need both locally and nationally for two bedroomed affordable housing properties, this should be agreed. He proposed that given this would help local people improve the area and add to the housing stock, the application be approved contrary to the Officer's recommendation.

The Lead specialist Place reminded the committee that when this had been before committee previously it had been refused. What the Committee had to determine was if the previous reasons for refusal had been overcome. He further advised that irrespective of the financial costs, this property did not constitute affordable housing.

At this point Councillor Nunn asked for clarity regarding 'Zones of Influence' and the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The

Lead Specialist Place informed the Committee that approximately two years ago the Government introduced RAMS and that Maldon District Council (MDC) alongside other Essex authorities created a Supplementary Planning Document (SPD) that focuses on the mitigation that is necessary to protect the wildlife of the Essex Coast from the increased visitor pressure associated with new residential housing development built in the Zone of Influence (ZOI). As the district falls within a ZOI the Council had to consider and mitigate the harm its actions could result in and ensure it operated within an appropriate legal framework.

In response to other questions raised the Lead Specialist Place responded as follows:-

- that S106 payments were attached to the development and paid after planning permission was granted;
- that cycle bay capacity was included as the application had to be determined in line with current policy, and,
- that there were no material changes in this report hence the Officer's recommendation to refuse, as the previous reasons for refusal had still not been overcome.

The Chairman, referring to the earlier proposal to approve, seconded by Councillor Shaughnessy, asked Councillor Morris to outline the reasons for approval. Councillor Morris responded that the development was in character with the area and fulfilled the need for this type of housing stock, therefore should be approved.

The Chairman put the proposal to approve the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken it was refused.

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

- 1 The development proposed is located within a visually prominent location and, as a result of the size and design of the dwellings proposed, would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

671. 19/01206/HOUSE - 7 VICTORIA ROAD, MALDON, ESSEX, CM9 5HE

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| Application Number | 19/01206/HOUSE |
| Location | 7 Victoria Road, Maldon |
| Proposal | Replacement of existing timber windows with UPVC double glazed windows |
| Applicant | Mr Lonergan |
| Agent | Mr Lonergan - Paul Lonergan Architects |
| Target Decision Date | 13.01.2020 - EOT requested for 23.01.2020 |
| Case Officer | Hayleigh Parker-Haines |
| Parish | MALDON NORTH |
| Reason for Referral to the Committee / Council | Member Call In by Councillor Mayes Reason: Policies D1, D2, D3, S1, H4 of the Local Development Plan (LDP) |

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

The debate was opened by Councillor Morris who felt that there were both economic and environmental benefits to the application, with no adverse impact on the street scene. He proposed that the application be approved contrary to the Officer's recommendation. This was duly seconded by Councillor Stilts

The Lead Specialist Place reminded the Committee that financial or environmental benefits were not material planning considerations and that this application was in a conservation area. Normally when Officers were considering an application it was based around looking for demonstrable harm, but in the case of conservation areas government legislation stated that authorities must preserve and enhance the area. This legislation was not just looking at the style of a building overall but drilled down to really small detail such as window style and materials, door handles etc. and how they effect and change the character of the area.

He further advised that just because there were odd examples of wrong materials already in use, did not mean that the Committee should automatically agree an application, it would most likely be overturned at appeal as it eroded the character of an area.

The Chairman put the proposal to approve the application contrary to the Officer's recommendation to the Committee. Upon a vote being taken it was refused.

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

1. The proposed development, due to the design and use of unsympathetic materials, would result in detrimental harm to the character and appearance of the building, the streetscene and the surrounding conservation area. The proposal would therefore be contrary to policies D1, D3 and H4 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework

672. 19/01242/HOUSE - 56 VIKING ROAD, MALDON, ESSEX, CM9 6JR

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| Application Number | 19/01242/HOUSE |
| Location | 56 Viking Road, Maldon |
| Proposal | First floor extension and alterations. |
| Applicant | Mr Jalal Uddin |
| Agent | Mr Mark Crocker |
| Target Decision Date | 24.01.2019 |
| Case Officer | Louise Staplehurst |
| Parish | MALDON WEST |
| Reason for Referral to the Committee / Council | Member Call In by Councillor C Mayes Reason: Policies D1 and H4 of the Local Development Plan (LDP). |

Following the Officer's presentation Miss Sue Seabrook, an Objector and Mr Jalal Uddin, the Applicant addressed the Committee.

Cllr Shaughnessy opened the discussion by commenting that no effort had been made to overcome the design concerns raised in the previously refused application. Furthermore, the proposed side and rear extension would result in a detrimental impact on the residential amenity of the neighbour to the east, No.54 Viking Road.

Councillor Mayes echoed these concerns, particularly the adverse impact on neighbour amenity. Councillor Morris, acknowledging the concerns, proposed that a site visit be arranged, and this was seconded by Councillor Stilts.

The Chairman, noting the request from the Objector for a site visit and the difficulty in assessing the application from the existing supporting materials, put the proposal for a site visit to the committee. Upon a vote being taken and there being an equality of votes, the Chairman exercised his casting vote and it was agreed to undertake a site visit and that the application be deferred to a future committee.

The Lead Specialist Place reminded the Committee that the site visit would form part of the formal committee decision-making process. He advised that, by law, a Member had to be involved in the entire decision-making process, therefore, those councillors not present today and those unable to attend the site visit would not be able to debate or vote on the application at the next committee.

RESOLVED that the application be **DEFERRED** to a future committee in order to undertake a site visit.

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

M S HEARD
CHAIRMAN