



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
22 MARCH 2017**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor
Councillors	Miss A M Beale, A T Cain, Mrs B D Harker, M S Heard, Miss M R Lewis, S J Savage, Mrs N G F Shaughnessy, Rev. A E J Shrimpton and Mrs P A Channer, CC
Ex-Officio Non- Voting Member	

1101. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)

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

1102. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors I E Dobson and M R Pearlman.

1103. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 22 February 2017 be received;

Minute number 1011 – FUL/MAL/16/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon

There was a typographical error in the last paragraph and the word “DEFERRED” should be substituted for the word “DEFFERED”.

- (ii) That subject to the above amendment the Minutes of the meeting of the Committee held on 22 February 2017 be confirmed.

1104. DISCLOSURE OF INTEREST

Councillor S J Savage declared a non-pecuniary interest in relation to the following Agenda items:

- Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon
- Agenda item 9 – FUL/MAL/17/00074 – Tesco, Fullbridge, CM9 4LE
- Agenda item 10 – FUL/MAL/17/00075 – Tesco, Fullbridge, CM9 4LE

Councillor M S Heard declared a non-pecuniary interest in Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon and suggested that all Members should declare an interest.

Councillor A T Cain declared the following:

- A non-pecuniary interest in relation to Agenda item 5 – FUL/MAL/14/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon, as he knew the Applicant;
- The same interest as other Members in relation to Agenda item 7 – FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon;
- A pecuniary interest in relation to Agenda item 10 - FUL/MAL/17/00075 – Tesco, Fullbridge, CM9 4LE and that he would leave the meeting for this item.

Councillor Mrs B D Harker declared a non-pecuniary interest in relation to Agenda item 5 - FUL/MAL/14/01496 and LBC/MAL/16/01497 – The Limes Guest House, 21 Market Hill, Maldon, as she knew the Applicant.

Councillor Miss A M Beale declared a non-pecuniary interest in relation to Agenda item 7 - FUL/MAL/16/01514 – Car Park, Council Office, Princes Road, Maldon.

The Committee considered the reports of the Interim Head of Planning Services and determined the following applications taking into account all representations and consultation replies received, including those detailed on the Members' Update.

1105. FUL/MAL/16/01496 AND LBC/MAL/16/01497 - THE LIMES GUEST HOUSE, 21 MARKET HILL, MALDON

Application Number	FUL/MAL/16/01496 LBC/MAL/16/01497
Location	The Limes Guest House 21 Market Hill Maldon Essex
Proposal	The proposals are for an office and bedroom to the rear with en-suite within a single storey extension to the existing annexe.
Applicant	Mr James Mann
Agent	Mr Mark Morgan - Petro Designs Limited
Target Decision Date	24 March 2017
Case Officer	Yee Cheung, TEL: 01621 876220
Town Council	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

Following the Officer's presentation of the report, during which she drew Members' attention to the Members' Update, Mr John Salisbury, an Objector, of 4 Hill House Mews, Maldon, addressed the Committee.

The Officer then advised Members that MDC was aware of the dispute in relation to the boundary wall and advised that the onus was on the Applicant to ensure that the boundary was safe and met legislative requirements.

For the sake of clarity, the Chairman confirmed to the Committee that all three sheds that were currently in place, would be removed.

Members debated this application in some detail and raised concerns regarding the following matters:

- The condition of the wall and any possible further damage that may occur;
- Ownership of the wall;
- Disabled access and the provision of a disabled parking bay;
- Lack of access to the land at the rear of the property and concerns about rubbish, vermin etc. in that location;
- Possible damage from the roots of the tree at the back of the property.

The Interim Head of Planning Services advised Members:

- that the concern about the retaining wall was not a material consideration, but that it was possible to request that building control investigates;

- that when the previous planning application was made in 2008, the owner certified that they were the owner of the land and, by implication, the owner of the wall;
- the provision of the disabled parking space could be dealt with by a condition, if Members were minded to approve this application.

In response to a question regarding reinstatement of the land following removal of the three sheds, the Chairman proposed that Members accept the Officers' recommendation to approve this application, subject to an additional condition to ensure that the land was reinstated following the removal of the sheds. He further proposed a condition for the provision of the disabled car parking space as included on the drawing submitted.

Councillor Rev. A E J Shrimpton then proposed refusal of this application on the grounds of overdevelopment.

The proposal to approve this application was then duly seconded, and upon a vote, the motion failed.

Following this, the motion to refuse this application was seconded and upon a vote, the motion was carried, with Councillor Shrimpton nominated to represent the Council at any appeal with any appeal statement being sent to him.

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

- 1 The development proposal would result in overdevelopment of site contrary to policy BE1 of the Maldon District Replacement Local Plan, policy D1 of the Maldon District Local Development Plan, and Government advice contained within the National Planning Policy Framework.

1106. HOUSE/MAL/16/01499 AND LBC/MAL/16/01500 - 33 LONDON ROAD, MALDON

Application Number	HOUSE/MAL/16/01499 LBC/MAL/16/01500
Location	33 London Road, Maldon
Proposal	Single storey extension to the rear of the house. Internal alterations at ground and first floor level. Repair works to the main roof of the house to include stripping and re-laying of slate tiles.
Applicant	Mr & Mrs Lloyd
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	24.03.2017
Case Officer	EMILY HALL, Tel: 01621 875744
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

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

HOUSE/MAL/16/01499

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 approved drawings: Location Plan rcvd. 28.12.16, A16504/BlockA rcvd. 24.02.17, A16504 rcvd. 28.12.16, A16504/PP03A rcvd. 09.01.17, A16504/PP01C rcvd. 06.03.17.
3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Notwithstanding the roof materials the external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application.

LBC/MAL/16/01500

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 approved drawings: Location Plan rcvd. 28.12.16, A16504/BlockA rcvd. 24.02.17, A16504 rcvd. 28.12.16, A16504/PP03A rcvd. 09.01.17, A16504/PP01C rcvd. 06.03.17.
3. Prior to the commencement of the roofing works hereby permitted samples of the slate to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
4. Prior to the installation of the railings hereby permitted large-scale drawings of the proposed railings, illustrating the section profile of the common members and the size and design of the finials, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

1107. FUL/MAL/16/01513 - CAR PARK, COUNCIL OFFICES, PRINCES ROAD, MALDON

Application Number	FUL/MAL/16/01513
Location	Car Park, Council Office, Princes Road, Maldon
Proposal	Installation of external lighting to newly formed car park.
Applicant	Maldon District Council
Agent	N/A
Target Decision Date	24 March 2017
Case Officer	Rebecca Greasley, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council Owned Land Major Application

Following the Officer's presentation of the report, and in response to a question, the Interim Head of Planning Services advised Members that this application did not fall within the legislative criteria for an Environmental Impact Assessment (EIA). Whilst he understood the concerns of Members, he referred the Committee to proposed condition 3 which dealt with illuminance levels and amendments to minimise the impact on residential properties in the vicinity. The Interim Head of Planning Services suggested that a training session on EIA may be useful for Members.

In response to a question, the Interim Head of Planning Services advised Members that whilst the Environmental Health Department had suggested a curfew that ensured the lights were not in use after 23:00 hrs, then that could be brought in to line with the rest of the regime of times for lighting in Maldon.

Councillor Miss M R Lewis proposed that condition 3 be amended so that the lights were switched off at 01:00 hrs and this applied to all lights in the car park. This proposal was duly seconded. Members were advised that lights in Maldon were switched off at 00:00 hrs on a Sunday and 01:00 hrs on Monday to Saturday. The Interim Head of Planning Services understood Members' concerns and advised that the condition would be amended so that the lighting in the car park reflected the hours of lighting in the locality.

A question was asked as to whether these lights were included in the original plan for the car park improvements and Members were advised that the lighting would be an additional expense.

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 approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 The light hereby approved shall have a maximum vertical illuminance level of 5 lux pre-curfew and 1 lux post-curfew (measured at neighbouring residential properties) shall be achieved either by the fitting of light spill shields and / or by turning off the lights at 01:00 hours on Monday to Saturday and 00:00 hours on a Sunday.

1108. MLA/MAL/17/00049 - LAND OFF PARK DRIVE, MALDON

Application Number	MLA/MAL/17/00049
Location	Land off Park Drive, Maldon
Proposal	Application for a modification to the existing Section 106 Legal Agreement (executed under planning application FUL/MAL/14/00581)
Applicant	Chelmer Housing Partnership Limited
Agent	Sarah Balfour - Birketts LLP
Target Decision Date	19 April 2017
Case Officer	Joy Thomas, TEL : 01621 875879
Parish	MALDON EAST
Reason for Referral to the Committee/Council	In accordance with Area Planning Committee Terms of Reference

Following the Officer's presentation of the report, concern was raised about setting a precedent for reducing the amount of affordable housing to be delivered by housing associations if the Section 106 Legal Agreement was modified. However, it was pointed out that, if Members were minded to approve this application, then it was only the type and tenure of the affordable housing that would be changed. Furthermore, the percentage of affordable housing would actually be slightly increased by the modification.

In response to a question, the Interim Head of Planning Services advised that a Ministerial Statement was in fact a material planning consideration.

RESOLVED that the modification to the existing Section 106 Legal Agreement (executed under planning application FUL/MAL/14/00581) be **APPROVED**.

Councillor A T Cain left the Council Chamber at this point in the meeting in accordance with his earlier declaration. He advised the Chairman that he would not be returning to the meeting.

1109. FUL/MAL/17/00074 - TESCO, FULLBRIDGE, CM9 4LE

Application Number	FUL/MAL/17/00074
Location	Tesco, Fullbridge, CM9 4LE
Proposal	Installation of 2no. ANPR cameras on 5m poles.
Applicant	Mrs. Mariana Benitez Rickmann
Agent	Tesco Stores Ltd
Target Decision Date	03 May 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Major Application

The Officer presented the report together with the report for the following application – ADV/MAL/17/00075 – TESCO, FULLBRIDGE, MALDON.

By way of clarification, the Interim Head of Planning Services advised that a Section 106 Legal Agreement was enforceable under contract law, whereas any conditions imposed would be enforceable under planning law.

Subsequent to the Officer's presentation, Mrs Judy Lea, an Objector, representing The Maldon Society, addressed the Committee.

The Chairman clarified to the Committee that this application was for the installation of two Automatic Number Plate Recognition (ANPR) cameras on one pole.

Councillor Mrs P A Channer declared a non-pecuniary interest as she was a Member of Essex County Council who was consulted on this scheme regarding highway safety.

By way of clarity on this application, the Interim Head of Planning Services outlined the process to Members where there is an application on a scale requiring a Section 106 Legal Agreement. There would usually be a pre-application, and then Heads of Terms for any Section 106 Legal Agreement would usually be drawn up and following that a planning application submitted to be considered by the relevant Committee, together with any appropriate conditions, subject to the Section 106 Agreement. The Committee's resolution and, therefore, any planning consent granted, would not be triggered until the Section 106 Legal Agreement had been signed.

In response to a question, the Officer confirmed that under the agreement there were 50 spaces to be retained for free parking for a period of up to four hours. The cameras would be fixed and would be monitoring the timing of vehicles entering and exiting the car park. The Applicant had been advised that they could not implement the cameras without a change to the Section 106 Legal Agreement or by designating the 50 spaces so that the free parking could be monitored.

RESOLVED that this application be **APPROVED**.

1110. ADV/MAL/17/00075 - TESCO, FULLBRIDGE, CM9 4LE

Application Number	ADV/MAL/17/00075
Location	Tesco, Fullbridge, CM9 4LE
Proposal	Advertisements related to ANPR cameras and associated signs at Tesco car park
Applicant	Tesco Store Ltd
Agent	Mrs. Mariana Benitez Rickmann
Date Valid	2 February 2017
Target Decision Date	30 March 2017
Case Officer	Hilary Baldwin, TEL; 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Parish Trigger

The Officer had presented the report together with that for the previous application and advised Members that whilst approval for one entry sign was recommended, refusal for the siting of any other signage around the car park was recommended.

In response to a question, the Interim Head of Planning Services confirmed to Members that it was the siting of the signs that was under consideration, rather than what was printed on them.

Members voted to approve the installation of one main entry sign board and following this the Interim Head of Planning Services reiterated that unless the Section 106 Legal Agreement was varied, then the permission granted to install the main entry sign board could not be implemented. As part of the process to vary the Section 106 Legal Agreement, the timescales for parking could be discussed and potentially varied.

Main Entry Sign Board - shown on drawing ref: B349-001, Dated January 2017 and annotated as Main Entry sign x 1

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

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Sign Boards - shown on drawing ref: B349-001, Dated January 2017

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

1. The sign board advertisements, due to excessive proliferation, are visually intrusive to the locality, resulting in a cluttered street scene with excessive signage, adversely and demonstrably causing harm to the character and appearance of the site and failing to preserve or enhance the special character and appearance of the Maldon Conservation Area, contrary to policies BE9 and BE11

of the Maldon District Replacement Local Plan, policies D3 and D6 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework.

1111. OTHER AREA PLANNING AND RELATED MATTERS

The Committee received the report of the Interim Head of Planning Services, including those on the Members' Update, detailing the following:

(i) Appeals Lodged:

Appeal Start Date: 06/03/2017

Application Number: HOUSE/MAL/16/01090 (APP/X1545/D/17/3169620)

Site: 52 Victoria Road, Maldon, Essex, CM9 5HF

Proposal: Rooms in roof

Appeal by: Mr & Mrs J Milne

Appeal against: Refusal

Appeal procedure requested: Householder Appeals Service (HAS)

Appeal Start Date: 10/03/2017

Application Number: FUL/MAL/16/00649 (APP/X1545/W/17/3168381)

Site: Land At Corner Of Station Road - Maldon

Proposal: Vary condition 15 (delivery hours) of approved planning application FUL/MAL/15/00567 (Planning application for the demolition of existing buildings and the construction of a foodstore (Class A1) together with access, car-parking (100 spaces), landscaping and associated engineering works on land at Station Road/ Fullbridge, Maldon) Vary delivery hours.

Appeal by: Lidl (UK) GmbH

Appeal against: Refusal

Appeal procedure requested: Written Representations

(ii) Appeal Decisions:

Application Number: HOUSE/MAL/16/00726

Appeal Ref: APP/X1545/D/16/3161573

Proposal: Two storey side extension

Address: 6 Narvik Close - Maldon

APPEAL DISMISSED – 22 February 2017

DECISION LEVEL: Committee (overturned Officer recommendation to approve)

Application Number: HOUSE/MAL/16/00662

Appeal Ref: APP/X1545/D/16/3164272

Address: 98 Washington Road, Maldon

Proposal: Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion. (Resubmission)

Decision Level: Committee overturned Officer recommendation to approve

APPEAL ALLOWED – 27 February 2017

1112. 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 item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

1113. ENFORCEMENT REPORT

The Committee received and noted the quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 10.22 pm.

B E HARKER
CHAIRMAN