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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

7 April 2017

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 19 APRIL 2017** at **7.30 pm**.

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

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Fiona Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor M R Pearlman

COUNCILLORS

Miss A M Beale
A T Cain
I E Dobson
Mrs B D Harker
M S Heard
Miss M R Lewis
S J Savage
Mrs N G F Shaughnessy
Rev. A E J Shrimpton

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

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 19 APRIL 2017

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 18)

To confirm the Minutes of the meeting of the Committee held on 22 March 2017, (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/17/00164 - 75 Goldhanger Road, Heybridge** (Pages 19 - 26)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

6. **HOUSE/MAL/17/00175 - 3 Acacia Avenue, Maldon** (Pages 27 - 32)

To consider the planning application and recommendations of the Interim Head of Planning Services (copy enclosed, Members' Update to be circulated)*.

7. **Other Area Planning and Related Matters** (Pages 33 - 34)

To consider the report of the Interim Head of Planning Services on the following matters:

- (i) Appeals Lodged
- (ii) Appeal Decisions

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

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

* 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. At the start of the meeting an announcement will be made about the sound recording. 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 Replacement Local Plan 2008 – Saved Policies
- Maldon District Local Development Plan 2014-2029 - submitted to the Secretary of State for Examination in Public on 25 April 2014 (as amended).

Legislation

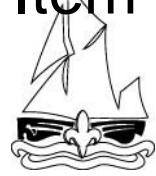
- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and 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
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveler sites
 - Planning practice guidance for renewable and low carbon energy
 - Relevant government circulars
- ii) Essex County Council
 - Essex Design Guide 1997
- iii) Maldon District Council
 - Submission Local Development Plan (April 2014) (as amended)
 - Five Year Housing Land Supply Statement 2014/15
 - Planning Policy Advice Note v.4 (October 2015)
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014

- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards SPD - July 2006
- 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 - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement - 2010

Copies of 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
22 MARCH 2017**

PRESENT

Chairman Councillor Bryan E Harker

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

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 revd. 28.12.16, A16504/PP03A revd. 09.01.17, A16504/PP01C revd. 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 revd. 28.12.16, A16504/BlockA revd. 24.02.17, A16504 revd. 28.12.16, A16504/PP03A revd. 09.01.17, A16504/PP01C revd. 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 than 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

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**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
19 APRIL 2017**

Application Number	HOUSE/MAL/17/00164
Location	75 Goldhanger Road, Heybridge
Proposal	Front two storey extension, rear single/two storey extension & new external render finish on insulation
Applicant	Mr & Mrs Bowyer
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	20 April 2017
Case Officer	Hannah Bowles, TEL: 01621 875733
Parish	HEYBRIDGE
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

75 Goldhanger Road, Heybridge
HOUSE/MAL/17/00164



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00164
	Date:	05/04/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is set in a residential setting within the settlement boundary of Heybridge. A semi-detached two storey dwelling currently occupies the site. The main form of development to the northwest and northeast of the site is semi-detached, two storey dwellings similar in size and design. The properties opposite the site are an eclectic mix with no prevailing pattern.
- 3.1.2 The application seeks planning permission for a two storey front extension and a part single and part two storey rear extension.
- 3.1.3 The front extension would measure 3.1m in depth, 4.5m in width, 3.9m to the eaves and 6.6m to the ridge, finished with a gable roof. The extension would accommodate a hall area and study at ground floor level and an additional bedroom at first floor level.
- 3.1.4 The two storey element of the rear extension would measure 3.7m in depth, 4.4m in width, 5.1m to the eaves and 7.8m to the ridge. The extension would accommodate a lift and shower room at ground floor level and an enlarged bedroom at first floor level.
- 3.1.5 The single storey rear element would measure 3.2m in depth, 2.9m in width and 3m to the top of the flat roof. The extension would accommodate a dining room.
- 3.1.6 It should be noted that planning permission has been approved under reference 16/01363/HOUSE) for a single storey front extension and part single and part two storey rear extension. The proposed front extension has been revised to include a first floor and enlarged from the previously approved front extension by 1.7m in depth, 0.8m in width and 4.1m in height. The proposed rear extension is identical in nature.

3.2 Conclusion

- 3.2.1 Whilst there are no objections to the proposed rear extension, the proposed two storey front extension, due to its design and style, including its scale, bulk and siting is not considered to appear subservient to the main dwelling and would result in an incongruous and dominant addition to the dwelling that is unsympathetic to the general character and appearance of the host dwelling and surrounding area. Therefore the proposal would be contrary to saved policies BE1 and BE6 of the Replacement Local Plan, emerging policy D1 of the Submission Local Development Plan and 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 2012 including paragraphs:

- 7
- 17
- 47
- 56
- 118

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 - Design of Development and Landscaping
- BE6 - Extensions to Dwellings
- T8 - Vehicle Parking Standards

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- D1 - Design Quality and Built Environment
- T1 - Sustainable transport

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the emerging LDP. Other material planning considerations are discussed below.

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 sought 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 basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its

surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.2.4 The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“that 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”.

5.2.5 In terms of design, it is noted the proposed front extension would have a ridge height around 1.4m lower than that of the existing dwelling and the materials would match those used on the existing dwelling. However, it is considered that it would look out of place given its context. It would project forward of the principle elevation of the property by around 1.8m appearing bulky and dominant and the proposed gable roof would appear out of place and disjointed in relation to the existing gable roof on the front elevation, which is located centrally between the pair of semi-detached properties. It is considered that the front extension would appear as an incongruous addition to the existing dwelling.

5.2.6 Furthermore, whilst the dwelling on site is set back from the public highway by around 13.3m due to the open frontage of the site, the front extension would be highly visible from within the public realm. There is a prevailing pattern of development along the south side of Goldhanger Road and it has to be noted that the property is part of a pair of very similar semi-detached houses which are almost symmetrical to each other. The proposed extension would result in the loss of the sense of symmetry and, whilst it is acknowledged that some dwellings have been extended to the front by the form of a porch, or single storey addition, the extensions in the immediate locality are not of comparable scale, bulk or height to that proposed as part of this application. It is considered that it would result in an incongruous addition that would appear dominant when viewed from within the public realm.

5.2.7 The impact of the proposed two storey front extension would, in terms of its siting, scale and design, fail to form a subservient addition to the existing dwelling or streetscene. The proposal would result in a development that would be to the detriment of the character and appearance of the locality, and the rhythm of the streetscene.

5.2.8 As stated above the proposed rear extension has been approved under application 16/01363/HOUSE. It comprises a two storey element finished with a gable roof and a single storey element finished with a flat roof. In terms of proportions, namely the size, bulk and height, the rear extension is not considered to appear as a dominant

feature, with a ridge height noticeably lower than that of the existing dwelling. The proposed materials would match those used on the dwelling ensuring that it harmonises with the general character and appearance of the existing dwelling; overall the design of the proposed development is not considered to look out of place in relation to the existing dwelling. Furthermore, it is located to the rear of the property where limited views of the development would be available from within the public realm.

5.3 Impact on Residential Amenity

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 The application site has two adjacent neighbouring properties; no. 73 which adjoins the dwelling at no. 75, is located to the north west of the application site and no. 77 is located to the northeast of the application site.
- 5.3.3 Given the distance of the proposed front extension of around 2.4m from the boundary with no. 73 and around 2.2m from the boundary with no. 77, it is not considered the development would have a detrimental impact on the amenity of adjoining neighbours by way of overpowering or loss of light. Furthermore, no concerns are raised with regards to overlooking, whilst there is a window proposed on the side elevation of the front extension, it is at ground floor level and would have an outlook of the driveway.
- 5.3.4 The single storey element of the rear extension is just set in from the boundary with neighbouring property no. 73. Given the siting of the proposed development it just fails the 45° daylight assessment rule in plan view, but does not in elevation view. Therefore, the extension will not result in a loss of outlook or daylight received by the closest ground floor window on the rear elevation of the adjoining property, to such a degree as to result in a demonstrable impact on the amenity of the adjacent dwelling. Furthermore, the two storey element is located around 2.9m from the dwelling at no. 73 and around 3.4m from the dwelling at no. 77, due to the distance and siting of the extension, it is not considered to give rise to issues regarding loss of outlook or light.
- 5.3.5 There are no windows proposed in the side elevations on the proposed rear extension at first floor level. The windows located within the rear elevation have the same outlook, of the rear garden, as the existing windows. Therefore, no concerns are raised with regards to overlooking. Furthermore, due to the scale and siting, the proposed rear extension is not considered to form a dominant or overbearing addition to the adjoining neighbours.
- 5.3.6 Therefore, it is considered that the proposed development would not result in significant demonstrable harm to the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006).
- 5.4.2 The adopted parking standard requirement for the resulting four bedroom dwelling is three off-street parking spaces. It is noted that the Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.
- 5.4.3 The property benefits from an area of hard standing to the front of dwelling, although this area would be reduced as a result of the proposed development, the remaining space could comfortably accommodate in excess of three cars. Therefore, there are no concerns raised in relation to parking provision.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 The site benefits from a rear amenity space in excess of the recommended standard, although the proposed development would result in a loss of some of the rear garden, the rear amenity space will continue to be provided, within the domestic curtilage of the dwelling in excess of the recommended standard. Therefore, there is no objection to the proposal in relation to amenity space.

6. ANY RELEVANT SITE HISTORY

02/00471/FUL - Two storey rear extension - Refused - 25.06.2002
04/00693/FUL - Two storey and one storey rear extensions. - Approved - 09.08.2004
07/00563/FUL - Installation of dropped kerb – Approved - 18.07.2007
16/01363/HOUSE - Front single storey extension, rear single/two storey extension & new external render finish on insulation – Approved – 13.02.2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge	No comment	Noted

8. REASON FOR REFUSAL

- 1 The proposed two storey front extension, due to its design and style, including its scale, bulk and siting, would result in an incongruous and dominant form of development that is unsympathetic to the general character and appearance of the host dwelling and surrounding area. Therefore the proposal would be contrary to saved policies BE1 and BE6 of the Replacement Local Plan, emerging policy D1 of the Submission Local Development Plan and guidance contained within the National Planning Policy Framework.



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
ON 19 APRIL 2017**

Application Number	HOUSE/MAL/17/00175
Location	3 Acacia Avenue, Maldon
Proposal	Construction of ancillary granny annexe
Applicant	Mrs Burley
Agent	Mr Chris Moore - Plainview Planning LTD
Target Decision Date	27 April 2017
Case Officer	Nigel Hebden, TEL: 01261 875741
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

3 Acacia Drive, Maldon
HOUSE/MAL/17/00175



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00175
	Date:	05/04/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Site Description

3.1.1 The site is one of a pair of semi-detached two storey dwellings on the west side of Acacia Drive. There is a two storey extension to the side which includes a drive through car port. The rear garden has a double garage and lean-to shed at the bottom with other outbuildings, some of which are being removed. The rear garden is enclosed by 1.8 metres high close boarded fencing.

3.2 Proposal

3.2.1 It is proposed to erect a granny annexe about half way down the garden towards the northern boundary. The building would measure 7 metres by 4.5 metres, have a flat roof 2.2 metres in height and would sit some 14 metres from the rear of the existing dwelling.

3.3 Conclusion

3.3.1 The proposal is a modest form of development that can be accommodated within the rear garden without being overdevelopment. Personal circumstances justifying the principle of the proposals have been put forward to provide a justification and, subject to the proposed development being appropriately conditioned, the annexe would be acceptable.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2012 including paragraphs:

Para 56: Promoting good design.

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

BE1 Design of New Development and Landscaping
H11 Special family needs

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

4.4 D1 Design Quality and Built Environment

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The application is supported by a statement advising that the current occupier of No 3 Acacia Drive is registered blind and living alone. The proposal is that his daughter

(the applicant), who lives some distance away, would move into the house with her family and the father would occupy the annexe.

5.1.2 Such proposals need to meet the requirements of Replacement Local Plan (RLP) policy H11 which states that applications for extensions would be considered sympathetically provided that a separate dwelling unit would not be created. In this case a separate building is proposed within the middle of the garden and the criteria set out in the supporting text are as follows:-

5.1.3 *a) The accommodation is the minimum required to satisfy the functional needs of the prospective occupier/occupiers;*

Comment; The application indicates that a bedroom with en-suite facilities will be provided together with a kitchen/living room. The total floor area of 31.5 sq metres would be below the national space standard for a one person dwelling (37 sq metres) as set out in the “Technical Housing Standards – nationally described space standard” (DCLG – March 2015) and so it has the characteristics of an annexe as opposed to an independent dwelling.

5.1.4 *b) The proposed accommodation can be satisfactorily used as part of the accommodation to the existing dwelling house;*

Comment: The proposed annexe is detached from the main dwelling – indeed it is 14 metres down the rear garden. However, being within the rear garden, it is difficult to see how a separate curtilage could be formed. The structure is subservient to the main dwelling and in character could be regarded as a summer house or other outbuilding which could be used ancillary to the main dwelling.

5.1.5 *c) There is a common main entrance to both the existing house and the proposed new accommodation;*

Comment: The common access is either through the main dwelling or could be taken via the side driveway and covered car parking area.

d) The extended property does not result in over-development of the curtilage.

Comment: Even with the annexe there would still be 250 sq metres of private amenity space at the rear of the property.

5.2 Design and Impact on the Character of the Area

5.2.1 The proposed annexe would be flat roofed and clad in timber and due to its overall dimensions and design it would appear as a garden outbuilding.

5.2.2 Policy H11 referred to above is predicated on the annexe being physically attached to the host dwelling and the proposal is freestanding some 14 metres from the main dwelling. It might be possible to erect the accommodation as a rear extension to the house but it would extend back some 7 metres and be somewhat raised in order to follow the floor levels of the house; also it would not necessary achieve a degree of independence and privacy for the occupier. On balance, it is considered that the proposal is an acceptable form of annexe as it would be hard to form a separate

dwelling and, if/when no longer required, it can be absorbed back as a facility ancillary to the existing house.

- 5.2.3 The applicant's agent has pointed out that at a recent appeal in Burnham-on-Crouch, a planning inspector upheld an appeal following refusal where a separate annexe was being proposed in the rear garden of a dwelling. In that case the proposed annexe was over 30 metres from the existing house. The inspector noted that the annexe and the dwelling would share access and views of the rear garden and that there was no separate means of vehicular access.

5.3 Impact on Residential Amenity

- 5.3.1 There would be no adverse impact on the neighbouring properties in terms of overlooking, general disturbance or loss of light.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposed annexe would not generate any additional parking.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The present garden is 30 metres deep and, even allowing for the existing double garage if the current proposal is implemented, there will still be 200 sq metres available which is twice that required by the Council's adopted standard.

6. ANY RELEVANT SITE HISTORY

- **APPLICATION NO 93/00153/FULF** Two storey extension to side
Approved 06/05/93

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object: will lead to the creation of a separate unit of accommodation and is backland development.	See report

7.1 Internal Consultees

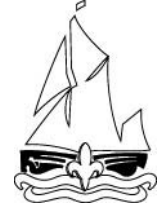
Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment	Noted

7.2 Representations received from Interested Parties

None received.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by .Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos Location Plan, Block Plan (2) Elevations & Floor Plan.
REASON: To ensure that the details of the proposal are acceptable in accordance with policy BE1 of the Maldon District Replacement Local Plan.
3. The external finishes of the proposed building shall be as specified in the “Planning Statement” Document Reference 1609/CMOW/Maldon District Council dated February 2017.
REASON: To ensure that the details of the proposal are acceptable in accordance with policy BE1 of the Maldon District Replacement Local Plan.
4. The additional residential accommodation/annex hereby approved shall only be occupied and used as ancillary accommodation to the main dwelling known at the time of this decision as 3 Acacia Road, Maldon and shall at no time be subdivided from the curtilage of, or used as an independent unit of residential accommodation separate from, 3 Acacia Road, Maldon.
REASON: To ensure that a separate unit of residential is not created in accordance with policy H11 of the Maldon District Replacement Local Plan.



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
CENTRAL AREA PLANNING COMMITTEE
19 APRIL 2017**

OTHER AREA PLANNING AND RELATED MATTERS

ITEM 1 APPEALS LODGED

ITEM 2 APPEAL DECISIONS

Please see overleaf.

ITEM 1 APPEALS LODGED

Notification has been received from the Planning Inspectorate of the following appeals lodged.

Appeal Start Date: 27/03/2017

Application Number: FUL/MAL/16/01218 (APP/X1545/W/17/3169518)

Site: 16 Fambridge Road, Maldon, Essex, CM9 6AF

Proposal: Retrospective - The siting of cake fridges in the front garden.

Appeal by: Miss Deborah Howes

Appeal against: Refusal

Appeal procedure requested: Written Representations

ITEM 2 APPEAL DECISIONS

Notification has been received from the Planning Inspectorate of the following appeal decisions.