



**MINUTES of  
CENTRAL AREA PLANNING COMMITTEE  
20 FEBRUARY 2019**

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**PRESENT**

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

**876. CHAIRMAN'S NOTICES**

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

**877. APOLOGIES FOR ABSENCE**

There were none.

**878. MINUTES OF THE LAST MEETING**

**RESOLVED**

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

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

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

## RESOLVED

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

### 879. DISCLOSURE OF INTEREST

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

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

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

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

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

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

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

The Committee received the reports of the Director of Strategy, Performance and Governance and determined the following planning applications, having taken into

account all representations and consultation replies received, including those listed on the Members' Update circulated at the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

- 3 The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

- 4 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval.

The written verification shall include that:

- (i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- (ii) All imported material is suitable for its intended use.
- (iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3260.01, 3262.03A, 3262.04A.
- 3 The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

B E HARKER  
CHAIRMAN