



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

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss M R Lewis
Councillors	Miss A M Beale, 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(s) Mrs P A Channer, CC

965. CHAIRMAN'S NOTICES

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

966. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor A T Cain.

967. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 20 February 2019 be received.

Minute No. 882 – FUL/MAL/18/01473 – Unit 4, The Promenade Park, Park Drive, Maldon

Members queried the level of detail including content for this Minute and requested that the tape from the meeting was reviewed in order for this Minute to be amended.

Subsequent to the meeting, following review of the recording at the request of the Committee, the amendment to the Minute was to be amended as follows:

“The Committee received the Officer’s presentation.

A discussion ensued where Members felt that it was unfortunate that the unit has been allowed to be used for a use that was unlawful. It was also considered that there were ample eateries within The Promenade Park.

The Committee noted the Members' Update which referenced a letter of objection to this application.

The Chairman put the Officer's recommendation of approval to the Committee and upon a vote being taken the application was approved.

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

Minute No. 883 – ADV/MAL/18/01473 – The Promenade Park, Maldon

Subsequent to the meeting, following review of the recording, as requested by the Committee, the amendment to the Minute was to be amended as follows:

"The Committee received the Officer's presentation.

Members acknowledged that the park had changed over the last fifteen years and queried whether the sign was in keeping with the surrounding area. There was further concern as to whether the advertisements displayed could be controlled. The Development Control Team Leader, Planning, advised that the sign is lawful and does not require planning permission for advertising council events and operations, however advertising consent was necessary for non-council operations.

Councillor S J Savage proposed that the Advertisement Consent be refused for the reasons of harmful impact on the character and appearance of a heritage asset. This was duly seconded.

The Chairman put the Officer's recommendation of approval to the Committee, and upon a vote being taken this was rejected.

The Chairman then put the motion to reject the application contrary to the Officer's recommendation to the Committee, and upon a vote being taken this was duly carried..."

The Chairman drew the Committees attention to the resolution of the Minute advising that within the Members' Update was the corrected reason for refusal as follows:

"RESOLVED that Advertising Consent be **REFUSED** for the following reason:

- 1 The means of advertising, by virtue of its positioning and appearance, is harmful to the character and appearance of the Promenade Park heritage asset contrary to policies D3 and D6 of the Maldon District Local Development Plan and the National Planning Policy Framework."*

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 20 February 2019 be confirmed.

968. DISCLOSURE OF INTEREST

It was noted that all Members of the Committee had a non-pecuniary interest in Agenda Item 6, LDP/MAL/19/00083 – 24 Dorset Road, Maldon, Essex, CM9 6JU as the application was that of an Officer of Maldon District Council.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5, HOUSE/MAL/19/00020 – 50 Victoria Road, Maldon as she had relations resident at the neighbouring property, 48 Victoria Road, which was mentioned in the Officers' report.

Councillor S J Savage declared a non-pecuniary interest in Agenda Item 7, TPO 11/18 – 14 Fambridge Road, Maldon as he was acquainted with residents at 1 Mount Pleasant whose property was being damaged by the respective tree.

969. HOUSE/MAL/19/00020 - 50 VICTORIA ROAD, MALDON, ESSEX, CM9 5HF

Application Number	HOUSE/MAL/19/00020
Location	50 Victoria Road, Maldon
Proposal	Loft conversion with rear dormer, raising part of the party wall, proposed side window, internal alterations, refurbishment of ground floor front windows, and replacement of all other windows. Alterations to the fenestration apertures to the rear elevation.
Applicant	Mr Timothy Lloyd
Agent	Mr Robert Turner – Robert Turner Associates
Target Decision Date	22.03.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor Rev A E J Shrimpton Reason: Public interest

The Officer presented their report on the application, after which the Applicant, Mr Timothy Lloyd, addressed the Committee.

A brief discussion ensued in which the Ward Members advised the Committee that the Town Council approved of the application. It was also acknowledged that the Applicants had attempted to conform to the Officer's recommendations following the previous rejection of the application.

Councillor M R Pearlman moved to approve the application in accordance with the Officer's recommendation, which was duly seconded, and after a vote being taken the motion was carried.

RESOLVED that the 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: 583/03 A, 583/04 A, 583/01 Rev C1, 583/02 Rev C3.
- 3 The materials used in the development hereby approved shall be as set out within the application form/plans hereby approved.
- 4 Prior to the installation of the front windows, large scale drawings on the front windows illustrating elevation at 1:20 and the section profile of glazing bars, heads and rails at 1:2, shall be submitted to and approved in writing by the Local Planning Authority.

970. LDP/MAL/19/00083 - 24 DORSET ROAD MALDON ESSEX CM9 6JU

Application Number	LDP/MAL/19/00083
Location	24 Dorset Road, Maldon, Essex CM9 6JU
Proposal	Claim for lawful development certificate for a proposed single storey rear extension and infilling of window to south elevation.
Applicant	Mr & Mrs R Holmes
Agent	Mr A Taylor
Target Decision Date	22.03.2019
Case Officer	Annie Keen
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member of Staff

The Officer presented their report to the Committee.

In response to Members' questions the Development Management Team Leader, Planning, clarified that 5.1.4 of the report made reference to A.1 (a) of the Town and Country Planning (General Permitted Development) Order 2015 and that this was not applicable as the extension was not on a building where a change of use had previously taken place through the utilisation of permitted development rights.

The Committee also clarified with the Development Management Team Leader, Planning, for transparency, that had the application not been submitted by an Officer employed by Maldon District Council there would be no requirement for the application to go to Committee.

The Chairman put the Officer's recommendation to grant the Certificate of Lawfulness and upon a vote being this was approved.

RESOLVED that the Certificate of Lawfulness be **GRANTED**.

971. TPO 11/18 - 14 FAMBRIDGE ROAD, MALDON

Tree Preservation Order	TPO 11/18
Location	14 Fambridge Road, Maldon
Proposal	Confirmation of TPO 11/18
Owner	Simon Baker
Confirmation by	15.04.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

The Officer presented their report to the Committee, during which it was confirmed that were the Tree Preservation Order (TPO) be confirmed this would still permit works to be carried out when required.

Councillor Reverend A E J Shrimpton opened the debate stating that ash trees are prone to dropping branches, self-seeding, and due to the location of this tree it was considered dangerous. He subsequently proposed that the order not be confirmed, contrary to the Officer's recommendations, for the aforementioned reasons.

Councillor Mrs N G F Shaughnessy advised the committee that as they were prone to disease ash trees were rarely seen and that the TPO would not prevent necessary work to mitigate any future problems. She proposed that the application be approved in accordance with the Officer's recommendation, and this was duly seconded.

Councillor S J Savage proposed that a TPO was granted for 6 months to allow the Officers to provide more information on the potential damage the tree was causing to neighbouring dwellings. The Development Management Team Leader, Planning Service, advised that temporary TPOs are served with a requirement to be confirmed within 6 months and therefore, procedurally, this was not an option. Due to the proposal being irrelevant, Councillor S J Savage then seconded Councillor Reverend A E J Shrimpton's earlier proposal.

A short discussion then ensued querying whether the tree would have been self-seeding, and that it was sited within a conservation area. Members considered that a Tree Evaluation Method for Preservation Orders (TEMPO) assessment had taken place and determined that the tree was worthy of a TPO. In response to questions, the Development Management Team Leader, Planning Service confirmed that were the tree to become problematic, the serving of a TPO would not prevent an application being made to propose the removal of the tree and a replacement to be made. Additionally it was confirmed that the TPO could be challenged were the TPO to be confirmed.

The Chairman put Councillor Reverend A E J Shrimpton's proposal to reject the TPO, contrary to the Officer's recommendation, to the Committee and upon a vote being taken this was rejected.

The Chairman then put Councillor Mrs N G F Shaughnessy's proposal to approve the TPO in accordance with the Officer's recommendation to the Committee, and upon a vote being taken this was duly carried.

RESOLVED that the application for a Tree Preservation Order be **CONFIRMED**.

There being no further items of business the Chairman closed the meeting at 7.59 pm.

**B E HARKER
CHAIRMAN**