



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
26 JUNE 2019**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor S P Nunn
Councillors	Miss A M Beale, M R Edwards, K M H Lagan, C Mayes, C Morris, N G F Shaughnessy, Mrs J C Stilts and C Swain
Ex-Officio Non-Voting Member	Councillor(s) Mrs P A Channer, CC

187. CHAIRMAN'S NOTICES

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

188. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor B E Harker.

189. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 29 May 2019 be approved and confirmed.

190. DISCLOSURE OF INTEREST

Councillor S P Nunn declared a non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon and Agenda Item 8, HOUSE/MAL/19/00477 - 17 Victoria Road, Maldon as he was loosely acquainted with the applicants.

Councillor K M H Lagan declared a non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon as he had been in correspondence with the Applicant. A further non-pecuniary interest was declared in Agenda Item 8, HOUSE/MAL/19/00477 - 17 Victoria Road, Maldon as he knew the applicant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 8, HOUSE/MAL/19/00477 - 17 Victoria Road, Maldon as she had been in correspondence with the Applicant. A further non-pecuniary interest was declared in Agenda Item 9,

PIP/MAL/19/00540 - Knowles Farm, Wycke Hill, Maldon as she was acquainted with the applicant.

Councillor C Morris declared a pecuniary/non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon as a former resident on Orchard Road who is acquainted with numerous others residing on the street. The Committee was also advised that Councillor C Morris had previously purchased furniture from the Applicant.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon as she knows the Applicant and has conversed with them regarding this. A further non-pecuniary interest was declared in Agenda Item 8, HOUSE/MAL/19/00477 - 17 Victoria Road, Maldon as she knows the Applicant.

Councillor C Swain declared a non-pecuniary interest in Agenda Item 6, FUL/MAL/19/00348 - Kiosk Adjacent to the Splash Park, The Promenade Park, Park Drive, Maldon as a member of the Maldon Society who had made comment on the application.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon as he had previously conversed with the Applicant on the application.

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 M S Heard declared a non-pecuniary interest in Agenda Item 7, FUL/MAL/19/00425 - Land Adjacent 53 Orchard Road, Maldon as he had previously been contacted by the Applicant and discussed the process within the Chamber, but not the application.

191. PROW/MAL/18/00831 - LAND SOUTH OF WYCKE HILL AND LIMEBROOK WAY, MALDON

Application Number	PROW/MAL/18/00831
Location	Land South Of Wycke Hill And Limebrook Way Maldon Essex
Proposal	Diversion of a public footpath 8 PROW 253
Applicant	Taylor Wimpey East London
Agent	Savills - Catherine Williams
Target Decision Date	n/a
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Not Delegated to Officers

The Officer presented their report to the Committee, on which Members made no comment.

The Chairman put the Officers recommendation to the Committee and upon a vote being taken this was unanimously approved.

RESOLVED that the Footpath Diversion be **Confirmed**.

192. FUL/MAL/19/00348 - KIOSK ADJACENT TO THE SPLASH PARK, THE PROMENADE PARK, PARK DRIVE, MALDON

Application Number	FUL/MAL/19/00348
Location	Adjacent to the Splash Park, Promenade Park, Park Drive, Maldon
Proposal	Temporary use of land for the siting of a mobile food and drink kiosk.
Applicant	Mr J Smith – S J Caterers
Agent	Mr Matt Williams – Brimble Lea & Partners
Target Decision Date	20.06.2019
Case Officer	Louise Staplehurst
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Member Call in – Councillor Swain Reason: It raises a question of principle about the location of such activities in the park.

The Officer presented their report to the Committee after which the Chairman drew Members attention to the Members' Update which detailed an amended reason for refusal.

Councillor C Swain clarified for the Committee that whilst he was a Member of the Maldon Society he was not involved with the comments submitted on the application.

The Committee debated the application considering the siting of the proposed Kiosk, the number of other similar facilities and the aesthetic of the area. In response to questions, the Lead Specialist Place advised the Committee that overdevelopment is relative to the respective site and that not all of the park is situated within flood zone three.

Councillor N G F Shaughnessy proposed that the application be refused as per the Officers recommendation. This was duly seconded and upon a vote being taken the application was refused.

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

1. The proposed development is located within Flood Zone 3 and is therefore of a higher probability of flooding. Guidance within the National Planning Policy Framework and policy D5 of the Maldon District Local Development Plan seek to direct development to areas with a lower risk of flooding. The proposal is considered to fail the sequential test, as no evidence has been submitted to justify why the proposal must be located within this location. The development

would therefore be contrary to core planning principles and guidance contained in the National Planning Policy Framework, the National Planning Practice Guidance and policy D5 of the Maldon District Local Development Plan.

193. FUL/MAL/19/00425 - LAND ADJACENT 53 ORCHARD ROAD, MALDON

Application Number	FUL/MAL/19/00425
Location	Land Adjacent 53 Orchard Road Maldon Essex
Proposal	Construction of a pair of 2 bedroom semi-detached dwellings, off street parking provision and ancillary works
Applicant	Mr Tony Church
Agent	Mr Derek Lawrence - Lawrence Planning Limited
Target Decision Date	1 July 2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call-in – Councillor B E Harker in the public interest

The Committee received the Officers presentation, after which Mr Mark Jones, on behalf on the Agent, addressed the Committee.

Members debated the application exploring the aesthetic of the development compared to neighbouring properties and amenity space. Whilst it was acknowledged that affordable housing was needed within the district, the Lead Specialist Place advised the Committee that the properties were not allocated for affordable housing and this would not be guaranteed upon resale.

Councillor C Morris proposed that the application be approved contrary to the Officers recommendation as the property was in keeping with the street scene and had suitable amenities. This was not seconded and therefore the proposal failed.

A further discussion between Members and Officers ensued with comparisons made between the scale of the proposed dwellings and neighbouring properties. It was agreed that the applicant would need to submit a new application as this could not be resolved with conditions.

Councillor K M H Lagan asked that it was noted he approved of the idea, style and location but agreed that the application needed rethinking.

Councillor Miss A M Beale proposed that the application be refused as per the Officers recommendation. This was duly seconded and upon a vote being taken the application was refused.

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

- 1 The development proposed is located within a visually prominent location and, as a result of the size, height and design of the dwellings proposed, would be

visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.

- 2 The development would not provide two off-street parking spaces of sufficient size for the existing dwelling and one of the dwellings proposed and no cycle parking spaces are proposed. The development would, therefore, fail to accommodate the demand for car parking which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.

194. HOUSE/MAL/19/00477 - 17 VICTORIA ROAD, MALDON

Application Number	HOUSE/MAL/19/00477
Location	17 Victoria Road, Maldon
Proposal	Loft conversion with rear dormer.
Applicant	Mr & Mrs Bourne
Agent	Chris Cumbers – CBS Cumbers MCIAT
Target Decision Date	28.06.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call in By Councillor Mayes Reason: In the public interest

The Officer presented their report to the Committee and drew Member's attention to the Members' Update which advised the Committee that a letter of support had been received.

Following the Officers presentation, Mr Simon Bourne, the Applicant, addressed the Committee.

As Councillor S P Nunn left the Council Chamber during the Officers presentation. Under Rule 13(1) of the Councils Constitution which states *"Any item of business will be decided by a simple majority of those Members voting and present in the room at the time the question was put. If a Member has not been present at the meeting for the whole of the consideration of a planning application or related matter, or has not undergone fundamental induction training once such a programme has been introduced he / she shall not vote on the matter..."* it was confirmed that he would not be permitted to vote on the application.

The Committee discussed the application considering the scale and bulk; whilst considering the streetscene Members considered that no adverse impact would be made. Councillor K M H Lagan proposed that the application be approved contrary to the Officers recommendation as the design was sympathetic and in keeping with the streetscene and this was duly seconded.

A further discussion between Officers and Members ensued where the scale was considered in comparison to neighbouring properties.

The Chairman put Councillors Lagans proposal of approving the application, contrary to the Officer's recommendation, to the Committee. Upon a vote being taken the application was approved with standard conditions around the timeframe, plan and materials.

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.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location plan 439/01; Block Plan 439/02; Elevations as Proposed 439/06rev.E; Floor Plans as Proposed 439/05rev.D
REASON: To ensure that the development is carried out in accordance with the details as approved.
3. The external materials proposed shall not be used until a sample of the materials has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.
REASON: To ensure that the development does not have an adverse impact on the character and appearance of the area, in accordance with Policies D1 and D3 of the Maldon District Approved Local Development Plan and the NPPF.

Councillor C Morris requested that the meeting was adjourned to permit him time to approach the Chair. This was refused due to the limited number of items remaining on the agenda.

195. PIP/MAL/19/00540 - KNOWLES FARM, WYCKE HILL, MALDON

Application Number	PIP/MAL/19/00540
Location	Knowles Farm Wycke Hill Maldon Essex CM9 6SH
Proposal	Permission in principle application for redevelopment of existing two storey house extending to approximately 520sqm on a site of 0.2ha. Replace with multiple two storey housing units.
Applicant	Sunbury Homes (Holdings) Limited
Agent	Mr Ian Jeffrey - Sunbury Homes
Target Decision Date	18.06.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Not Delegated to Officers Member Call-in – Councillor Stilts – as Maldon Town Council have recommended refusal.

The Chairman drew the Committees attention to the Members' Update which stated that the application had subsequently been withdrawn.

There being no further items of business the Chairman closed the meeting at 8.22 pm.

**M S HEARD
CHAIRMAN**