



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
11 DECEMBER 2019**

PRESENT

Chairman Councillor M S Heard

Vice-Chairman Councillor S P Nunn

Councillors M R Edwards, B E Harker, K M H Lagan, C Mayes, C Morris,
N G F Shaughnessy, Mrs J C Stilts and C Swain

1. CHAIRMAN'S NOTICES

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

2. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Miss A M Beale.

3. MINUTES OF THE LAST MEETING

RESOLVED

- (i) That the Minutes of the meeting of the Committee held on 13 November 2019 be received.

Minute No. 5 – FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED

Councillor C Mayes advised that the Committee at its last meeting had resolved to approve this application not subject conditions. She commented that therefore the resolution relating to this Minute needed amending. In response the Chairman suggested that the words “subject to conditions” be removed from the Minute. This was duly agreed.

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 November 2019 be confirmed.

4. DISCLOSURE OF INTEREST

Councillor S Nunn disclosed:

- a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as he was one of the Ward Members and knew the applicant.
- a pecuniary interest in Agenda Item 7 - FUL/MAL/19/01055 and LBC/MAL/19/01056 – Beeleigh Abbey, Abbey Turning, Maldon as he had been a paid guide at the Abbey for a number of years, knew the applicant and had occasionally performed consultancy work for the Abbey. He advised that he would leave the meeting for this item of business.
- in respect of Agenda Items 8 - FUL/MAL/19/01060 and 9 – FUL/MAL/19/01061 Anchor Guest House, 7-9 Church Street, Maldon, Essex he declared a non-pecuniary interest as a Ward Member.
- a non-pecuniary interest in Agenda Item 10 - WTO/MAL/19/01071 – 34 Highlands Drive, Maldon as a Ward Member and he had been contacted by an objector and supporter.

At this point the Chairman advised that Agenda Items 8 - FUL/MAL/19/01060 and 9 – FUL/MAL/19/01061 Anchor Guest House, 7-9 Church Street, Maldon, Essex had been withdrawn, as set out in the Members' Update.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she knew the applicant and had eaten in the restaurant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she was a Ward Member, knew the applicant and had eaten there. She also declared a non-pecuniary interest in Agenda Item 10 - WTO/MAL/19/01071 – 34 Highlands Drive, Maldon as she knew the applicant.

Councillor J Stilts declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she had eaten at the establishment.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as he had spoken to the applicant about the planning process prior to this meeting.

5. FUL/MAL/19/00730 - QUEEN VICTORIA PUBLIC HOUSE, SPITAL ROAD, MALDON

Application Number	FUL/MAL/19/00730
Location	The Queen Victoria Public House, Spital Road, Maldon
Proposal	Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision.

Applicant	Mr John Hubbard
Agent	Mr Matthew Chorley - Alderton Associates
Target Decision Date	15.11.2019
Case Officer	Nicola Ward
Parish	MALDON
Reason for Referral to the Committee / Council	Member Call In – Councillor C Mayes. Reason: Public interest, An increase in parking provision, Provision of disabled parking and access through the venue site, Local amenity value

Following the Officers' presentation, Mr Burrell (speaking on behalf of the applicant) and Mr Harvey a supporter, addressed the Committee.

Councillor C Mayes, a Ward Member advised that she had concerns relating to proposed conditions 4, 5, 7 and 8 and in response, the Lead Specialist Place outlined to Members the reasons for each of these conditions.

Councillor Mayes proposed that suggested condition 4 be amended to refer to car parking spaces being 2.9 x 5m. This proposal was not seconded.

Councillor S P Nunn, the other Ward Member, proposed that the Committee accept conditions 1, 2, 3 and 6 and then consider conditions 4, 5, 7 and 8 in turn separately. This proposal was duly seconded.

The Chairman agreed to discuss each of the proposed conditions (as set out in the report) where Members had concern.

Condition 4:

During the following debate, concerns were raised by Members relating to the proposed car parking spaces and cycle storage. In response to a question regarding use of Essex Parking Standards, the Lead Specialist Place advised that this document had not been adopted by Maldon District Council as the Council had adopted its own parking standards. Should Members be mindful not to agree the Council's adopted standards he would advise that condition be amended to refer to the sizes of car parking spaces rather than a document not adopted by this Council.

Councillor Mayes the proposed that condition 4 be amended to read as follows:

A scheme detailing the onsite parking provision shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall meet the sizes of 2.9 x 5m and 3.6 x 6m for disabled parking spaces. The spaces shall be laid out and ready for use, prior to the first use of the development hereby approved and shall be retained perpetuity.

This was duly seconded and agreed.

Condition 5:

Councillor Mayes highlighted concern regarding the toilets and the need for new facilities to be operational on completion. She made a suggested amendment to condition 5 and in response to this and concerns raised regarding the toilets being required, the Lead Specialist Place advised that this condition could be reworded to facilitate the use of the toilets. This was duly agreed.

Condition 7:

There was some discussion around condition 7 and following a suggested change to the wording of the condition Members were advised by the Lead Specialist Place that this condition had been raised by the Highways Authority and he would therefore suggest it was left as proposed by Officers. Following further discussion, the Committee voted on whether to remove this condition and it was agreed to leave the suggested condition as worded by Officers.

Councillor Nunn then proposed that the conditions set out in the report, subject to the amendments discussed above be agreed. This was duly seconded and agreed.

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 approved drawings: 2003/301, 2003/302, 2003/101, 2003/102, 2003/201 Rev P and A2003/206.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
4. A scheme detailing the onsite parking provision shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall meet the the sizes of 2.9 x 5m and 3.6 x 6m for disabled parking spaces. The spaces shall be laid out and ready for use, prior to the first use of the development hereby approved and shall be retained perpetuity.
5. Notwithstanding the use of toilets hereby approved, the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.
6. No unbound material shall be used in the surface treatment of the car parking areas.
7. 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.
8. No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

At this point in the meeting the Chairman introduced Mr Mitchel Kitts, Development Management Team Leader to the Committee and welcomed him to the meeting.

6. FUL/MAL/19/00978 - LAND NORTH OF WHITE HOUSE, WYCKE HILL, MALDON

Application Number	OUT/MAL/19/00978
Location	Land North Of White House, Wycke Hill, Maldon

Proposal	Outline planning application for the subdivision of the existing residential garden, and the erection of a detached one storey two bedroom dwelling, with all matters reserved for subsequent approval.
Applicant	Mr Ward
Agent	Ms Codey - Herts Planning Ltd
Target Decision Date	05.12.2019
Case Officer	Kathryn Mathews
Parish	Maldon West
Reason for Referral to the Committee / Council	Member Call-in – Councillor Mayes due to density of outline planning; infill planning; location onto busy main road; safety; Policies: D1 (3.2) H4 (5.3)

The Officer advised that a further letter of support had been received in relation to this application.

Following the Officers' presentation Mr Ward, the applicant, addressed the Committee.

Councillor N G F Shaughnessy proposed that the application be refused for the reasons set out in the report. This was duly seconded and upon a vote being taken agreed.

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

- 1 The application site is located outside the defined development boundaries of Maldon and within the countryside. The proposal would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries. The proposed development would diminish the verdant character of the area which, given the site's prominent location, would harm the character and appearance of the area, contrary to the NPPF, NPPG and Maldon District Approved Local Development Plan Policies D1, H4, S1 and S8, and Maldon District Design Guide (2017).
- 2 The occupiers of the proposed residential dwelling would be subjected to undue noise disturbance from the adjacent highway and, therefore, the living conditions for future occupants of the dwelling proposed would not be acceptable. The proposal is therefore contrary to the National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future users of places, NPPG, Policies D1 and D2 of the approved Local Development Plan and the Maldon District Design Guide (2017).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

In accordance with his earlier declaration Councillor S P Nunn left the meeting at this point.

7. FUL/MAL/19/01055 AND LBC/MAL/19/01056 - BEELEIGH ABBEY, ABBEY TURNING, MALDON

Application Number	FUL/MAL/19/01055 AND LBC/19/01056
Location	Beeleigh Abbey Abbey Turning, Maldon
Proposal	Erection of proposed one and two-storey outbuilding to provide a private library and kitchenette, with single storey link. Repairs and minor remodelling of an existing timber-framed range. Associated drainage connections and hard and soft landscaping.
Applicant	Mr & Mrs Foyle
Agent	Mr Jonathon Green – Laurie Wood Associates
Target Decision Date	16.12.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Mayes Reason: - Policies D1, S5, S3, D3, D4, N2 . - The size of the building and its facilities seem excessive and inappropriate for the location and importance of the heritage asset.

It was noted from the Members' Update that a consultation response had been received from Maldon Town Council.

There was some discussion regarding the application and concern raised regarding the size of the development and deferring determination of the application for a site visit.

Councillor K M H Lagan referred to Historic England and the Council's Conservation Officer not raising concerns regarding the application and therefore proposed that the application be approved as set out in the report. This proposal was duly seconded.

Following further discussion Councillor C Morris proposed that the application be deferred for a site visit.

The Chairman advised that the Committee needed to consider and vote on the first proposition in the name of Councillor Lagan to approve the application if this was lost they would then consider the proposal in the name of Councillor Morris. The Chairman put the proposal of approval to the Committee and upon a vote being taken this was agreed.

FUL/MAL/19/01055:

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 approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C.

- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing by the local planning authority prior to first use/occupation of the development hereby approved. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 7 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layouts;
 - iv. Other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials;
 - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
 - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
 - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

- 8 No development shall commence until fencing/ground protection to protect the trees to be retained has been erected in accordance with BS5837:2012, as per the submitted Tree Protection Method Statement and the Arboricultural Report. The

protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected.

- 9 The development hereby approved shall not commence until written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist has been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall be undertaken in accordance with this supervision schedule.
- 10 No development works shall occur above ground level until details of the surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 11 The rainwater goods shall be made of metal finished black.
- 12 The development hereby permitted shall only be used for purposes ancillary to the dwelling known as Beeleigh Abbey and shall not at any time be used as annexe accommodation or as a separate residential unit.

LBC/MAL/19/01056:

RESOLVED that **LISTED BUILDING CONSENT** be **GRANTED** 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 approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C
- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6 No development, including groundworks of any kind, shall take place within the site until the applicant or their agents, the owner of the site or successors in title have secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local

- planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.
- 7 The rainwater goods shall be made of metal finished black.
- 8 Once the relevant part of the timber-framed structure to the stable range has been exposed, the method and degree of alteration to this timer-framed structure and the existing horse trough shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Councillor Nunn returned to the chamber at this point.

8. FUL/MAL//19/01060 - ANCHOR GUEST HOUSE, 7-9 CHURCH STREET, MALDON

Application Number	FUL/MAL/19/001060
Location	Anchor Guest House, 7 -9 Church Street, Maldon, Essex
Proposal	Alteration of existing property and conversion of ground floor guest house accommodation to form one two bedroom flat and one studio flat. Existing first floor flat and existing attached cottage to be retained as independent dwellings.
Applicant	Mr Stuart Ringer
Agent	Ms Codey - Herts Planning Ltd
Target Decision Date	13.12.2019
Case Officer	Kathryn Mathews
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call-in – Councillor C Mayes due to H4 (5.2) too much within a small development site H4 (5.28) alterations are not well designed to allow for good quality high street based housing and are out side the current LDP requirements D1 (3.6) new development - SPD - although within the curtilage of the High Street minimum parking should be afforded to avoid impacting on neighbours or existing parking arrangements. (2 bed flat - 1 space; 1 bed flat - 1 space; 1 studio flat - 1 space; 2 bed cottage - 1 space) These should also be allocated spaces D1 Poor design with flat roof retained and rear entrances not addressed for good quality access and living for couples or single people. D3 (3.28) within the conservation area improvement to all aspects of development including quality layout design, inside and out; good access; sympathetic materials

It was noted from the Members' Update that this application had been **WITHDRAWN**.

In response to a question regarding withdrawing an application the Lead Specialist Place provided the Committee with further clarification on this.

9. FUL/MAL/19/01061 - ANCHOR GUEST HOUSE, 7-9 CHURCH STREET, MALDON

Application Number	FUL/MAL/19/001061
Location	Anchor Guest House, 7 -9 Church Street, Maldon, Essex
Proposal	Alteration of existing property and change of use of ground floor guest house accommodation to form a five bedroom "house in multiple occupation". Existing first floor flat and existing attached cottage to be retained as independent dwellings.
Applicant	Mr Stuart Ringer
Agent	Mr Robert Ward-Booth - Ward-Booth Partnership
Target Decision Date	13.12.2019
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call-in – Councillor C Mayes for the following reasons: D4 (5.2) Volume of residential units too high on site therefore not providing a good quality of life H4 (5.28) minimal design inside - not quality living. HMO's are not on the list of development needs. D1 (3.6) insufficient given potential number of residents SPD - potential to have five families (9 people) plus flat (2 persons) and existing cottage (2 persons) (9 spaces + 1 space + 1 space = 11 spaces. Only 4 available and not allocated) D1 poor design inside and out - flat roof retained and rear entrances not designed to provide a quality living environment for residents. D3 (3.28) within conservation area the poor/no design layout overall is lacking. HMO requirements are demanding and quality is paramount to avoid longer term issues that could cause the EHO issues.

It was noted from the Members' Update that this application had been **WITHDRAWN**.

10. WTPO/MAL/19/01071 - 34 HIGHLANDS DRIVE, MALDON

Application Number	WTPO/MAL/19/01071
Location	34 Highlands Drive, Maldon
Proposal	Fell oak tree and treat stump to prevent regrowth and replace.
Applicant	Miss Abrams
Agent	Dr Jon Heuch
Target Decision Date	03.12.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor C Mayes Reason: Policy N1 and N2

It was noted from the Members' Update that additional comments had been received from the Agent, along with consultation responses from Maldon Town Council and the

Council's Tree Consultant. Four further letters of objection and one letter of comment had also been received.

Following the Officers' presentation Mr Southgate, an objector and Mr Paddon, a supporter, addressed the Committee.

Councillor C Mayes, a Ward Member, commented that there appeared to be no guarantee that the proposed removal would solve the problems being experienced. In response to questions, the Lead Specialist Place advised that the report highlighted that not all options had been explored. Councillor Mayes then proposed that the application be refused in accordance with the Officers recommendation. This proposal was duly seconded.

Councillor C Morris proposed that the application be deferred until all information had been received to allow a decision to be made. This proposal was not seconded. The Lead Specialist Place advised that the level of additional information required was extensive and refusing the application would allow the applicant with the opportunity to resubmit the application with the additional information required.

The Chairman then put the proposal in the name of Councillor Mayes to refuse the application and following a vote being taken this was agreed.

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

- 1 The Oak tree positively benefits the character and appearance of the area and provides significant amenity value. It is felt that insufficient evidence has been provided to demonstrate that the tree is definitely causing the harm to the dwelling. The submitted information also does not consider other works which may be undertaken in order to prevent damage to the dwelling and the loss of the TPO Oak tree. Therefore, it is not considered that satisfactory information has been submitted that would justify the loss of the tree. The removal of the Oak tree would be detrimentally harmful to the character and appearance of the area and therefore the proposed works are unacceptable.

At this point the Chairman thanked Members and Officers and wished all present a very Merry Christmas.

There being no further items of business the Chairman closed the meeting at 8.50 pm.

M S HEARD
CHAIRMAN

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