



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
19 FEBRUARY 2020**

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

774. CHAIRMAN'S NOTICES

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

775. APOLOGIES FOR ABSENCE

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

776. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 22 January 2020 be approved and confirmed.

777. DISCLOSURE OF INTEREST

Councillor S Nunn declared a non-pecuniary interest in Agenda Item 5– 19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 6 -19/01226/LBC – The Old Cutting Rooms, Church Walk, Maldon and Agenda Item 8 – 8 – TPO13/19 - The Limes Guest House, Market Hill, Maldon as he was acquainted with the applicants.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 5 -19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 6 - 19/01226/LBC – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon as she knew the applicants and Agenda Item 7- 19/01274/FUL – Harbour House, 23 Chandlers Quay, Maldon as she knew the agent.

Councillor F G F Shaughnessy declared a non-pecuniary interest in Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon, as she knew the applicant.

Councillor J Stilts declared a non-pecuniary interest in Agenda Item 5 -19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 6 -19/01226/LBC – The

Old Cutting Rooms, Church Walk, Maldon and Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon, she knew the applicants.

Councillor M H Lagan declared a non-pecuniary interest in Agenda Item 5 - 19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, Agenda item 6 - 19/01226/LBC – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 7 - 19/01274/FUL – Harbour House, 23 Chandlers Quay, Maldon and Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon as a member of Maldon Town Council and he also had conversations with the applicants on Agenda Items 5 and 6.

Councillor M R Edwards declared a non-pecuniary interest in Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon, as he knew the applicant.

Councillor C Swain declared a non-pecuniary interest in Agenda Item 5 -19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, and Agenda Item 6 -19/01226/LBC – The Old Cutting Rooms, Church Walk, Maldon, as he was acquainted with the applicant.

Councillor M S Heard declared a non -pecuniary interest in Agenda Items 5 - 19/01225/FUL – The Old Cutting Rooms, Church Walk, Maldon, Agenda Item 6 - 19/01226/LBC – The Old Cutting Rooms, Church Walk, Maldon and Agenda Item 8 - TPO13/19- The Limes Guest House, Market Hill, Maldon, as he knew the applicants.

778. 19/01225/FUL - THE OLD CUTTING ROOMS, CHURCH WALK, MALDON

Application Number	19/01225/FUL
Location	The Old Cutting Rooms Church Walk Maldon
Proposal	Conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes.
Applicant	Mr Mark Salisbury – Bright Ideas
Agent	Mr Ashley Robinson – A R Property Designs
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy reason: D1 (3), H4, SDP

A Members’ Update was submitted advising that Essex County Council Highways Department had no objections. Following the Officer’s presentation, the Applicant, Mark Salisbury, addressed the Committee.

Councillor Mayes opened the debate and expressed concern about the loss of retail space in Maldon. In addition, she said she did not want to see empty and redundant buildings. Her main concern with the application was that the windows to the rear of the property looked directly into someone else’s garden. Officers confirmed that no objections had been raised regarding this issue.

The Lead Specialist Place then responded to a query regarding the difference between the two applications on The Old Cutting Rooms, namely Agendum Items 5 and 6 respectively. He explained that Agenda Item 5 was a planning application considered under the Town & Country Planning act and Agenda Item 6 was an application for listed building consent considered under separate legislation, the Listed Buildings Act. He said that he hoped the Officer's report provided clarity on the two discrete areas.

A debate ensued regarding the possibility of the application being upheld at appeal, contrary to the Officer's recommendation. The Lead Specialist Place reminded Members to be conscious of policy compliance and the need to evidence policy requirements, as in this case. No formal marketing evidence had been submitted in accordance with Policy E3, there were no material planning considerations put forward to overturn the officer's recommendation and therefore unlikely to be overturned at appeal.

Councillor Morris said that the application was a benefit to the town, breathing new life into an empty property and making the town more vibrant. He proposed that the application be approved, contrary to the Officer's recommendation. This was duly seconded

The Lead Specialist Place reiterated the issue of lack of marketing evidence in line with Policy E3 that prevented approval and said he would advise the applicant to include the evidence in any future submission.

The Chairman put Councillor Morris' proposal to approve the application, for the reasons given, to the Committee. Upon a vote being taken this was refused.

The Chairman then put the Officer's recommendation to refuse the application to the Committee. Upon a vote being taken the application was refused in accordance with the Officer's recommendation.

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

1. The proposed residential development would result in the partial loss of employment and retail uses. Insufficient justification or evidence has been provided to demonstrate that the present use and activity significantly harms the character and amenity of the adjacent area, the proposed use would be of greater benefit to the local community or that the continuous use of the site for employment purposes is no longer viable. The development would therefore have an adverse impact on the limited supply of employment generating land. Insufficient justification or evidence has also been provided for the local planning authority to be able to conclude that the loss of retail floorspace which would result from the development would not be harmful to the vitality and viability of the retail function of Maldon Town Centre. The development is, therefore, contrary to policies E1 and E2 of the Maldon District Approved Local Development Plan, and the National Planning Policy Framework.

779. 19/01226/LBC - THE OLD CUTTING ROOMS, CHURCH WALK, MALDON

Application Number	19/01226/LBC
Location	The Old Cutting Rooms Church Walk Maldon
Proposal	Works required as part conversion of commercial premises to 1No. live/work unit and 2No. self-contained maisonettes.
Applicant	Mr Mark Salisbury – Bright Ideas
Agent	Mr Ashley Robinson – A R Property Designs
Target Decision Date	31.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy reason: D1 (3), H4, SDP

Following the Officer’s presentation Councillor Nunn proposed that given the earlier explanation from Officers regarding this application being an historic building in a conservation area, it be approved in accordance with the Officer’s recommendation.

Referring back to the previously refused application the issue of a possible deferral of this application was raised. The Lead Specialist Place advised that this application should be determined at this Committee in accordance with planning policy. He added that should listed building consent be granted, works could not commence until both forms of consent had been granted.

Councillor Lagan, noting that approval of the application was the appropriate way to proceed, seconded Councillor Nunn’s proposal.

The Chairman put the proposal to approve the application in accordance with the Officer’s recommendation to the Committee. Upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** subject 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 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 01 rev.A, 02, 03
REASON To ensure that the development is carried out in accordance with the details as approved.
3. No development shall take place until large-scale drawings of all new external doors – illustrating elevations at 1:20 and section details at 1:2 - have been submitted to the Local Planning Authority for approval in writing. All external joinery shall be of painted timber only. The development shall be carried out in accordance with the approved materials.
REASON In the interest of the character and appearance of the listed buildings and their setting

At this point Councillor Nunn declared a non-pecuniary interest in Agenda Item 7 – 19/01274/FUL – Harbour House, 23 Chandlers Quay, Maldon, as he was acquainted with the agent.

780. 19/01274/FUL - HARBOUR HOUSE, 23 CHANDLERS QUAY, MALDON

Application Number	19/01274/FUL
Location	Harbour House, 23 Chandlers Quay, Maldon
Proposal	Variation of condition 2 on approved planning permission FUL/MAL/18/01326 (Proposed conversion from office to residential 2No. bed dwelling, balcony, alterations to fenestration, brickwall, re-surfacing and parking bays) to allow new metal fence enclosure to rear, side and front and external steps around curved wall
Applicant	Mr & Mrs Lawson
Agent	Annabel Brown - Annabel Brown Architect
Target Decision Date	30.01.2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in: Councillor C Mayes - Policy Reason: D1; H4, D3

A Members' Update was submitted advising that Essex County Council Highways Department had no objections. Following the Officer's presentation, the Agent, Annabel Brown, addressed the Committee.

A debate ensued regarding the reason for refusal and whether this was intrusion into private matters as opposed to planning matters. The Lead Specialist Place drew Members' attention to paragraph 5.4.2 in the report. He advised the Committee that this proposed alteration had been refused in the past and upheld at appeal. He concluded by saying that it was contrary to Policy D1 of the approved local development plan and was a material planning consideration, as it adversely impacted on the quality of the private amenity space.

Councillor Morris said he did not agree that it adversely impacted on the quality of life of the applicants and proposed that the application be approved, contrary to the officer's recommendation. This was seconded.

The Chairman put Councillor Morris' proposal, for the reasons given, to approve the application contrary to the Officer's recommendation, to the Committee. Upon a vote being taken it was refused.

The Chairman then put the Officer's recommendation to refuse the application to the Committee. Upon a vote being taken this was agreed.

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

- 1 The proposed two-bedroom dwelling would not be provided with private amenity space of sufficient quality. Therefore, the development would not provide an adequate quality of life for the occupiers of the proposed dwelling,

contrary to Policy D1 of the Maldon District Approved Local Development Plan, the Maldon District Design Guide and the NPPF.

781. TPO 13/19 - THE LIMES GUEST HOUSE, MARKET HILL, MALDON

Application Number	TPO 13/19
Location	The Limes Guest House, Market Hill, Maldon
Proposal	Confirmation of TPO 13/19
Owners	Mr Mann
Confirmation by	13.06.2020
Case Officer	Hayleigh Parker-Haines
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

Following the Officer's presentation Councillor Nunn, Ward Member, opened the debate by pointing out that there had already been too many trees lost in Maldon. He proposed that the Committee approve the Officer's recommendation to maintain the tree preservation order. This was duly seconded by Councillor Morris.

The Chairman put the Officer's recommendation to the Committee. Upon a vote being taken the tree preservation order was confirmed.

RESOLVED that the tree preservation order be **CONFIRMED**.

782. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

The Chairman reported that an enforcement report had been due at the February meeting of the Committee. He requested, with the agreement of the Committee, that a report be submitted to the March meeting of the Central Area Planning Committee and this was agreed.

RESOLVED that an enforcement report be considered at the next meeting.

There being no further items of business the Chairman closed the meeting at 8.15 pm.

M S HEARD
CHAIRMAN