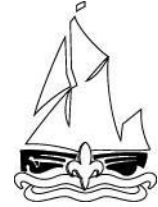


CIRCULATED PRIOR  
TO THE MEETING



**REPORT of  
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to  
**CENTRAL AREA PLANNING COMMITTEE  
31 JULY 2024**

**MEMBERS' UPDATE**

**AGENDA ITEM: 6**

<b>Application Number</b>	<b>24/00091/FULM AND 24/00092/LBC</b>
<b>Location</b>	East Essex Adult Community College, The Friary, Carmelite Way, Maldon
<b>Proposal</b>	Residential redevelopment for 22 dwellings comprising conversion of listed building to 7 apartments, demolition of unsympathetic 1960s extension and replacement with 2 townhouses, demolition of the outbuilding along the western boundary wall, construction of two new buildings within the grounds to the south, comprising 7 specialist needs apartments and 6 market sale apartments, hard and soft landscaping and associated parking and infrastructure.
<b>Applicant</b>	Mr Nic Malby - Essex Housing Developments LLP
<b>Agent</b>	Mr Steven Butler - Bidwells
<b>Target Decision Date</b>	02.08.2024
<b>Case Officer</b>	Fiona Bradley
<b>Parish</b>	<b>Maldon North</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Cllr Stilts and Cllr Jennings. Reasons D1, D3 and H4. Due to size and scale of the development and that it is in a conservation area and is a heritage asset. Loss of land on a historic site. This site has had a planning application refused before and that was also refused by the inspectorate. We do have a 5 yr land supply. Major Application

**5.9 LANDSCAPING AND TREES (PAGES 48 – 49)**

Apologies, it is noted that the numbering of this section is inconsistent. However, the paragraph numbers referred to below are consistent with that in the report.

Page 49 para. 5.10

Pollarding of trees T18 and T19 – the applicant now proposes to pollard to the most recent pollard points, therefore the previous concerns raised have been addressed.

Page 49 para. 5.9.4

Status of mulberry tree T10 – the tree is referred to as a “veteran tree” in the committee report. However, whilst this was how it was referenced in the previous application, the tree

was identified as a “potential veteran tree” by the applicant’s consultant in the submitted Arboricultural Impact Assessment.

Following concerns raised by the Council’s Arboricultural Consultant regarding the loss of the tree, a further assessment of the tree was carried out by the applicant’s consultant which noted that no formal veteran assessment has previously been undertaken. The submitted document (dated 17 July 2024) assessed the tree against the Veteran Tree Initiative Specialist Survey Method and the definition in the NPPF and that *“It is not considered that in either of these methodologies that T10 would be considered as a veteran tree”*. Notwithstanding the Council’s Arboricultural Consultant raising concerns about the downgrading of the importance of the tree it is still relevant to note that the loss of the tree did not form a reason for refusal in the previous application and was not raised as an issue at appeal. As per para. 5.9.4 of the committee report, it would be unreasonable for the loss of the tree to form a reason for refusal.

Page 49 para. 5.9.5

Correction of number of trees to be removed – the committee report incorrectly states the number of trees to be removed. The proposal does not result in a higher number of trees to be removed than the previous appeal scheme. Accordingly, it would be unreasonable to object to the loss of trees for this application.

Page 49 para. 5.11

Although the Council’s Arboricultural Consultant has identified concerns with the tree protection measures and the Arboricultural Method Statement in respect of it not using clear and precise terminology, this is a matter that could be addressed by way of a planning condition.

In summary, it is now considered that sufficient information has been submitted with the application to demonstrate the impact on trees and, subject to ensuring appropriate tree protection and Arboricultural Method Statement by way of a condition, the impact is acceptable. As such, reason for refusal 3 is no longer relevant.

## **7 CONSULTATIONS AND REPRESENTATIONS RECEIVED (PAGES 55 – 59)**

### **7.2 Statutory Consultee and Other Organisations**

#### Lead Local Flood Authority (LLFA)

The LLFA provided an updated response on 19 July 2024 removing the holding objection and advising that there is no objection to the granting of planning permission subject to conditions regarding: detailed surface water drainage scheme; maintenance plan; yearly maintenance logs; and existing pipes to be clear of blockages. Advisory comments are also recommended. Based on this consultation response, it is considered that reason for refusal 4 is no longer relevant.

### **7.4 Representations received from Interested Parties**

Three further letters of representation have been received objecting to the application and are summarised as follows:

<b>Objection comment</b>	<b>Officer response</b>
Development would cause an increase to noise levels, traffic and parking in the area.	The site is in the settlement boundary where the principle of development is

	accepted. No objection is raised by the Highway Authority in respect of traffic generation. Parking provision is accepted.
Historic piece of land in a conservation area with historic trees and wildlife - it should be treated as such and not be another building site.	Addressed in section 5.4, 5.8 and 5.9 of the report.
Construction impacts on the listed wall.	The developer would need to ensure the listed wall would not be damaged. A structural report could be secured by way of a condition if the application were to be approved.
Impact of construction noise and traffic	A construction method statement to mitigate construction impacts could be secured by a condition if the application were to be approved.
Large buildings will dominate views from Tenterfield Road.	Addressed in sections 5.3 and 5.4 of the report.