

Unrestricted Document Pack

APOLOGIES Committee Services
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

21 May 2018

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 30 MAY 2018 at 7.30 pm.**

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor Miss M R Lewis

COUNCILLORS

Miss A M Beale

A T Cain

I E Dobson

Mrs B D Harker

M S Heard

M R Pearlman

S J Savage

Mrs N G F Shaughnessy

Rev. A E J Shrimpton

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website <https://democracy.maldon.gov.uk>

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 30 MAY 2018

1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 18 April 2018, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/18/00305 and LBC/MAL/18/00306 - Barn at Maldon Wycke, Spital Road, Maldon, Essex** (Pages 17 - 36)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

6. **FUL/MAL/18/00342 - 99 Wood Road, Heybridge, Essex, CM9 4AS** (Pages 37 - 44)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

7. **ADV/MAL/18/00344 - 99 Wood Road, Heybridge, Essex, CM9 4AS** (Pages 45 - 52)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

8. **HOUSE/MAL/18/00411 - 25 Victoria Road, Maldon, Essex, CM9 5HE** (Pages 53 - 60)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated).

9. **Any other items of business that the Chairman of the Committee decides are urgent**

Reports for noting:

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other Area Planning and Related Matters – Appeals Lodged and Appeal Decisions
-

Note:

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 8.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

* Please note the list of related Background Papers attached to this agenda.

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

BACKGROUND PAPERS

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

Development Plans

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)*

* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

Legislation

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

Supplementary Planning Guidance and Other Advice

- i) Government policy and guidance
 - National Planning Policy Framework (NPPF) and Technical Guidance
 - Planning Practice Guidance (PPG)
 - Planning policy for traveller sites
 - Relevant government circulars
 - Relevant Ministerial Statements (as referred to in the Report)

- ii) Essex County Council
 - Essex Design Guide 1997
 - Essex and Southend on Sea Replacement Waste Local Plan

- iii) Maldon District Council
 - Five Year Housing Land Supply Statement 2015 / 16
 - Planning Policy Advice Note (version 4) - October 2015
 - Planning Policy Advice Note (version 5) - May 2016
 - Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
 - Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
 - North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
 - South Maldon Garden Suburb Strategic Masterplan Framework - 2014
 - Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
 - Accessibility to Buildings SPD – December 2006
 - Children's Play Spaces SPD – March 2006
 - Sadd's Wharf SPD – September 2007
 - Heybridge Basin Timber Yard SPD – February 2007
 - Developer Contributions Guide - 2010
 - Affordable Housing Guide – June 2006
 - Heybridge Basin Village Design Statement – November 2006
 - Wickham Bishops Village Design Statement – 2010
 - Woodham Walter Village Design Statement – 2017
 - Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of
CENTRAL AREA PLANNING COMMITTEE
18 APRIL 2018**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor S J Savage
Councillors	A T Cain, Mrs B D Harker, M S Heard, Mrs N G F Shaughnessey and Rev. A E J Shrimpton
Ex-Officio Non-Voting Member	Councillor Mrs P A Channer CC

1014. CHAIRMAN'S NOTICES

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

1015. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss A M Beale, I E Dobson, Miss M R Lewis, and M R Pearlman.

1016. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the meeting of the Committee held on 21 March 2018 be received.

Minute No. 847 – HOUSE/MAL/18/00062 – 2 New Rose Cottages, London Road, Maldon

Councillor S J Savage proposed that the words "...a ward member..." be removed from paragraph three; as he was a Maldon South Ward Member and not Maldon North. This was agreed

RESOLVED

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 21 March 2018 be confirmed.

1017. DISCLOSURE OF INTEREST

Councillor B E Harker declared an interest in Agenda Item 6 – FUL/MAL/18/00120 Osea Leisure Park, Goldhanger Road, Heybridge.

Councillor A T Cain disclosed an interest in Agenda Item 14 – Enforcement Update, it was agreed he would raise this following the exclusion of press and public from the meeting.

Councillor Mrs P A Channer disclosed a non-pecuniary interest as a member of Essex County Council who was consulted on planning applications relating to highways, access, and other matters including education. She also declared a non-pecuniary interest in Agenda Item 11 – FUL/MAL/18/00290 Units 1 and 2 Old Maltings, Hall Road, Heybridge as Chairman of the Maldon Youth Strategy Group. Councillor Mrs Channer also declared that she had previously supported funding for the boxing club.

Councillor S J Savage disclosed a non-pecuniary interest in Agenda Item 5 – FUL/MAL/18/00061 Gravel Pits, Hall Road, Heybridge as he knew many of the objectors.

Councillor Mrs N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 8 – FUL/MAL/18/00187 Land at Maldon Wycke, Spital Road, Maldon as she had previously met the applicant, Mr Steven Osborne.

1018. FUL/MAL/18/00061 - GRAVEL PITS, HALL ROAD, HEYBRIDGE, ESSEX

Application Number	FUL/MAL/18/00061
Location	Gravel Pits, Hall Road, Heybridge, Essex
Proposal	Use of lakes for informal recreational fishing purposes
Applicant	Mr J Purdy
Agent	Stanfords
Target Decision Date	20 April 2018
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Major Application

Following the Officers’ presentation Mr John Buchanan, an objector, addressed the Committee.

The Officer confirmed for Members that the application was not referred under the Reservoirs Act as it was not a reservoir.

Members of the Committee considered the Officers reasons for rejection, as outlined in the report, were appropriate.

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

1. The proposed development, as a result of the height and bulk of the building proposed along with its proximity to the boundaries of the site, would result in an unneighbourly form of development that would cause harm to the amenity of the occupiers of the neighbouring residential properties (in particular Hillside, North Street but also properties to the north-west in Wilsons Court) by reason of the oppressive nature and dominance, contrary to the NPPF and Policies D1 and H4 of the Maldon District Approved Local Development Plan.
2. The proposal, as a result of its design, height, bulk, layout and position, would appear cramped, result in overdevelopment of the site and be an incongruous and

discordant feature within the established architectural language of the street scene, to the detriment of the character and appearance of the Conservation Area, contrary to the NPPF, NPPG and Policies S1, S5, H4, D1 and D3 of the Maldon District Approved Local Development Plan. This harm would be ‘less than substantial’ but would not be outweighed by any public benefits of the proposal including the additional residential units the development would provide.

3. The application site currently accommodates a block of garages and a forecourt area. There is insufficient information provided as part of the application regarding the existing use of the site for the local planning authority to be able to assess the impacts of the proposed removal of the existing garages and forecourt area.
4. The development would not provide an adequate quality of life for the future occupiers of the dwellings as a result of the lack of natural light, outlook and ventilation to the bedrooms of the units, the lack of private amenity space and the poor quality of the amenity space proposed, contrary to Policy D1 of the Maldon District Approved Local Development Plan.

1019. FUL/MAL/18/000120 - OSEA LEISURE PARK, GOLDHANGER ROAD, HEYBRIDGE, ESSEX

Application Number	FUL/MAL/18/00120
Location	Osea Leisure Park, Goldhanger Road, Heybridge, Essex
Proposal	Vary condition 2 of approved application FUL/MAL/14/00264 (Variation of condition 2 of FUL/MAL/10/01076 to extend the time of occupancy of the Lodge Park for 11.5 months and extend the occupancy over the Christmas and New Year for the main park in order to bring the site in line with the current industry standards for an extended holiday season. The proposed variation of condition is to read: 'The Caravans shall not be used for human habitation between 1st December and 21st December (inclusive) or between 4th January and 28th February (inclusive), with the exception of the Lodge Park (edged green on drawing No: CRM.206.001.D.003) which shall not be used for human habitation between 15th February and 28th February (Inclusive)) to allow the Square Slip to also only not be used for human habitation between 15th February and 28th February.
Applicant	Mr Powdrill – Osea Leisure Park
Agent	Pomery Planning Consultants Ltd
Target Decision Date	3 May 2018
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Major Application

Following the Officers presentation the Chairman highlighted the need to encourage employment and tourism within the district.

Members queried why occupation for 12 months could not be agreed and in response the Officer advised that consideration could only be made on what the applicant had applied for, and there was concern on enforceability whether restricted occupation could be enforced.

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 caravans shall not be used for human habitation between 1st December and 21st December (inclusive) and between 4th January and 28th February (inclusive), with the exception of the Lodge Park area of the site (edged green on plan CRM.206.001.D.003 that was submitted under the terms of application FUL/MAL/14/00264) and Square Slip (shaded pink on the approved Block Plan) which shall only not be used for human habitation between 15th February and 28th February (inclusive).
3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Block Plan, Location Plan, Flood Risk Assessment, Flood Warning and Evacuation Plan.
4. The measures contained within the Flood Warning Evacuation Plan, a copy of which was submitted with the planning application and forms part of this permission, shall be fully implemented and in place prior to the permission being Page 58 Agenda Item no. 6 implemented. The measures contained within Flood Warning Evacuation Plan shall be applicable as such thereafter.
5. All caravans and lodges and the use thereof hereby permitted shall only be used for holiday purposes.
6. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/lodges/holiday accommodation on the site, and of their main home addresses. This information shall be made available at all reasonable time to the local planning authority for inspection and copying.

1020. FUL/MAL/18/000186 - LAND AT MALDON WYCKE, SPITAL ROAD, MALDON, ESSEX

Application Number	FUL/MAL/18/00186
Location	Land At Maldon Wycke, Spital Road, Maldon
Proposal	Permission for three detached dwellings (revised design and re-submission of application FUL/MAL/17/00856)
Applicant	M Crook - Lancet Property Ltd
Agent	Karen Fardell - Plater Claiborne Architecture And Design
Target Decision Date	20 April 2018
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In – Councillor M S Heard - interested to see more evidence to determine this case.

Following the Officer's presentation Steven Osborne, the applicant, addressed the Committee.

The Chairman drew attention to the Members' Update, and the Officers response to the Agent.

Councillor A T Cain advised that he was unsure whether he had a conflict of interest and therefore decided to not partake in this item.

Concern was expressed by Members on the spoiling of ecology, and the enormous habitat at the location. Councillor Mrs N G F Shaughnessy proposed that the Officers recommendations for refusal be agreed; this was duly seconded by Councillor Rev. A E J Shrimpton.

Members disagreed with the Environmental Health Officer in respect of noise disturbance from the nearby highway, and it was suggested that the noise from the A414 could be mitigated by screening. Councillor S J Savage proposed approval on the condition that screening was put into place to mitigate the noise from the A414.

The Group Manager for Planning Services reminded the Committee that should they be minded to approve this application, approval would need to address all the reasons for refusal. The Officer raised concern that approval of this application would set a precedent where there was no need to provide housing as a priority.

Members debated whether the application was in keeping with the Five Year Housing Land Supply Statement 2016 / 17.

Members discussed whether the design was in keeping with the area. Concerns were raised about the possible damage to the undeveloped nature of the land and the potential effect of sub-urban encroachment at Maldon Wyck. Councillor M S Heard stated that he could support the refusal based on the Officers' recommendations for points 1 and 2, but not 3.

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

1. The proposed dwellings as a result of their size, scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, failing to protect or enhance the natural beauty, tranquillity amenity and traditional quality of the rural District outside of settlement boundaries. The poor sustainability credentials as defined by the Framework would significantly and demonstrably outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning Policy Framework as a whole. The quantum of development and intensification of the built form resulting from the urbanization of the site would therefore fail to meet the requirements of policies S1, S8, D1, H2 and H4 of the approved Maldon District Local Development Plan, the Core Planning Principles and Guidance as contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).
2. The proposal would result in harm to the undeveloped nature of the land and the setting of Maldon Wycke, a Grade II Listed Building which lies adjacent to the site. Having regard to the special desirability of preserving the listed building and its setting, the proposal would be contrary to Policies D1 and D3 of the approved Maldon District Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.

3. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential dwellings would not be subjected to undue noise disturbance from the adjacent highway and that the living conditions for future occupants would be acceptable. The proposal is therefore contrary to the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and approved Policies D1 and D2 of the approved Local Development Plan and the Maldon District Design Guide (2017).

1021. FUL/MAL/18/00187 - LAND AT MALDON WYCKE, SPITAL ROAD, MALDON, ESSEX

Application Number	FUL/MAL/18/00187
Location	Land At Maldon Wycke, Spital Road, Maldon
Proposal	Permission for two detached dwellings
Applicant	M Crook - Lancet Property Ltd
Agent	Karen Fardell - Plater Claiborne Architecture And Design
Target Decision Date	20 April 2018
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In – Cllr. Mark Heard – interested to see more evidence to determine this case.

Councillor A T Cain advised that he was unsure whether he had a conflict of interest and therefore decided to not partake in this item.

The Officer pointed out to Members that this application was similar to Agenda Item 7, except it had two dwellings instead of three.

Following the Officers presentation Mr Steven Osbourne, the Applicant, addressed the Committee.

In response to a question, Members were advised that the acronym CMS is short for Construction Method Statement.

Concern was raised regarding noise generated from the A414. Councillor S J Savage proposed that the application be approved, contrary to the Officers recommendation as the noise from the A414 could be mitigated, this was duly seconded by Councillor Mrs B D Harker but not supported by the rest of the Committee.

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

1. The proposed dwellings as a result of their size, scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, failing to protect or enhance the natural beauty, tranquillity amenity and traditional quality of the rural District outside of settlement boundaries. The poor sustainability credentials as defined by the Framework would significantly and demonstrably outweigh the benefits of the proposal when assessed against the approved policies of the Local Development Plan and the National Planning

Policy Framework as a whole. The quantum of development and intensification of the built form resulting from the urbanization of the site would therefore fail to meet the requirements of policies S1, S8, D1, H2 and H4 of the approved Maldon District Local Development Plan, the Core Planning Principles and Guidance as contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).

2. The proposal would result in harm to the undeveloped nature of the land and the setting of Maldon Wycke, a Grade II Listed Building which lies adjacent to the site. Having regard to the special desirability of preserving the listed building and its setting, the proposal would be contrary to Policies D1 and D3 of the approved Maldon District Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.
3. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential dwellings would not be subjected to undue noise disturbance from the adjacent highway and that the living conditions for future occupants would be acceptable. The proposal is therefore contrary to the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings and approved Policies D1 and D2 of the approved Local Development Plan and Maldon District Design Guide (2017).

1022. HOUSE/MAL/18/00197 - THE VICARAGE, 1A CRESCENT ROAD, HEYBRIDGE, ESSEX

Application Number	HOUSE/MAL/18/00197
Location	The Vicarage, 1A Crescent Road, Heybridge
Proposal	All elevations of dwelling to be changed to white cement render at ground floor level and weatherboarding at first floor level, pitched roof porch to front elevation and pitched roof to existing single storey extension, proposed path, bin store area and soft landscaping.
Applicant	Chelmsford Diocesan Board Of Finance
Agent	Mr Sid Rudd
Target Decision Date	20/04/2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In - Councillor I E Dobson – in the public interest

It was noted from the Members' Update that this application had been **withdrawn** by the Applicant.

1023. FUL/MAL/18/00241 - 25C SPITAL ROAD, MALDON, ESSEX

Application Number	FUL/MAL/18/00241
Location	25C Spital Road Maldon
Proposal	Demolition of existing dwelling and associated outbuilding and erection of 8 residential flats.
Applicant	Brodie Property Group Ltd
Agent	Arcady Architects Ltd
Target Decision Date	17 April 2018
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In

The Group Manager for Planning and Service confirmed to Members that the bin store, would be situated at the East of the building and there would be eight parking spaces allocated as one per dwelling.

Following the Officers presentation Mr Chris Wagg, the Agent, addressed the Committee.

Concerns were raised on the overdevelopment of the site. Members agreed that the site was nicely laid out, but disliked the flat roof and determined that eight flats would be considered overcrowding

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

1. The proposed development, due to the bulk, size, position and design of the building proposed, the prominence of the proposed bin store and the visually prominent road junction location of the site, would result in a development which would appear as a dominant and visually discordant feature within the street scene, contrary to the NPPF, Policies D1 and H4 of the Maldon District Approved Local Development Plan and the Maldon District Design Guide 2017.

1024. FUL/MAL/18/00290 - UNITS 1 AND 2 OLD MALTINGS

Application Number	FUL/MAL/18/00290
Location	Units 1 and 2 Old Maltings, Hall Road, Heybridge
Proposal	Change of use to a mixed Class B1 office and Class D2 use
Applicant	Miss M Jackowska
Agent	Planview Planning Ltd
Target Decision Date	7 May 2018 (NDB 13/4/18)
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In - Councillor Bryan Harker – in the public interest

Following the Officers presentation Miss Martyna Jakowska, the Applicant, addressed the Committee.

The Chairman drew Members attention to the additional conditions and informative set out on the Members' Update.

A debate ensued, during which a number of concerns were raised including the impact of noise on neighbouring properties, whether the loss of industrial land, class B2, within the district would also affect ecological development and the loss of industrial land for entertainment purposes. The Planning & Regulatory Services Officer advised Members that the previous planning application which included B1, B2 and D2 (industrial) use had been allowed on appeal following refusal by the Council because of concerns regarding employment and land loss. It was noted that these concerns had been reviewed by the Officer when considering this application.

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

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The premises shall be used for Class B1/D2 gymnasium uses and for no other purpose (including any other purposes in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and reacting that Order with or without modification).
3. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Existing and Proposed Floor Plans; Existing and Proposed Elevations; Proposed Site Plan rev.C; Existing Site Plan rev.A; Flood Risk Assessment; and the Noise Management Plan by Create Consulting Engineers Limited dated December 2017 JDB/CC/P17- 1353/01TN.
4. The gym (D2) use hereby permitted shall only be undertaken between 0700 hours and 2100 hours on Mondays to Saturdays and between 1000 hours and 1600 hours on Sundays and Bank Holidays.
5. The D2 (gymnasium) use hereby permitted shall not commence until the building has been adapted to feature all noise mitigation measures that are set out within the Noise Management Plan (prepared by Create Consulting Engineers Limited – Dated December 2017) that has been submitted with the application and is hereby approved. Subsequently the D2 (gymnasium) use shall only occur in full compliance with the approved Noise Management Plan and all required installations shall be retained in perpetuity.
6. The development shall not be occupied until such time as the car parking, as indicated on the approved plans, has been hard surfaced, sealed and marked out in parking bays and the proposed parking for powered two wheelers and bicycles has been provided. The car parking area (including the provision for the parking of powered two wheelers and bicycles) shall be retained in this form at all times and shall not be used for any purpose other than for parking related to the use of the development.
7. The use hereby permitted shall not be commenced until a flood warning and evacuation plan has been submitted to and approved in writing by the local planning authority. The use shall be carried out in accordance with the approved details.
8. Notwithstanding the submitted details, the use hereby permitted shall not commence until details of the provision for parking of powered two wheelers and bicycles have been submitted to and approved in writing by the local planning authority. The approved facilities shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby

permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

1025. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

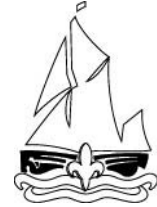
1026. ENFORCEMENT

Councillor A T Cain advised that he had a non-pecuniary interest in this item of business and left the meeting at 20:28.

The Committee received and noted the report of the Director of Planning and Regulatory Services providing a quarterly update on enforcement cases affecting the Committee's area. Various cases were discussed in detail and the Enforcement Officer provided updates where requested to do so and advised Members of planned action to be taken.

There being no further items of business the Chairman closed the meeting at 8.35 pm.

B E HARKER
CHAIRMAN



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018

Application Number	FUL/MAL/18/00305
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Conversion of barn into one residential dwelling with alterations and a new car port.
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Departure from Local Development Plan 2017

Application Number	LBC/MAL/18/00306
Location	Barn At Maldon Wycke Spital Road Maldon Essex
Proposal	Works associated with conversion of barn into one residential dwelling with alterations
Applicant	M Crook - Lancet Property Ltd
Agent	Paula Robertson - Plater Claiborne Architecture + Design
Target Decision Date	05.06.18
Case Officer	Kathryn Mathews, TEL: 01621 875805
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Linked to FUL/MAL/18/00305

1. RECOMMENDATION

FUL/MAL/18/00305:

APPROVE subject to the conditions (as detailed in Section 8 of this report).

LBC/MAL/18/00306:


GRANT LISTED BUILDING CONSENT subject to the conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Barn At Maldon Wycke Spital Road Maldon
FUL/MAL/18/00305 & LBC/MAL/18/00306



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	16/05/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located in the rural area, beyond the defined settlement limits for Maldon.
- 3.1.2 The barn the subject of the application is within the grounds of Maldon Wycke, approximately 10m to the north of the existing house at Maldon Wycke. Maldon Wycke is located off Spital Road, opposite the fire station adjacent to newly completed Wycke Court. The house and grounds are accessed off Spital Road via a private drive. The barn the subject to this application and the existing house at Maldon Wycke are Grade II listed buildings. There are other listed buildings further to the north. The site benefits from existing trees and other vegetative screening particularly to the north, east and west.
- 3.1.3 It is understood that the barn is currently used for storage ancillary to the house at Maldon Wycke. The original barn consisted of five bays with a hipped roof, a single storey lean to extension exists along the north side of the building. The building is clad with black weatherboarding with a plain tiled roof.
- 3.1.4 Planning permission is sought for works associated with the conversion of the barn into a three / four bedroom residential dwelling. The ground floor layout would generally be open plan but would include a study / bedroom. The central bay would be read as a double height space with bedrooms (a total of three) either side. The barn would be clad in black timber weatherboard and the roof would be clad in plain tiles to match the existing.
- 3.1.5 The car port proposed would be positioned to the south east of the barn and would measure 6.3m x 5.6m and 5.1m in height (pitched roof). The first floor of the building would be used as a workshop / office, accessed via an external staircase.
- 3.1.6 Listed building consent is sought for works associated with the conversion of the barn into a three / four bedroom residential dwelling.
- 3.1.7 The application is accompanied by a Design and Access Statement, which includes a Heritage Asset Statement.
- 3.1.8 A Phase 1 Habitat Survey and Protected Species Scoping Assessment dated June 2016 for a different part of Maldon Wycke has been submitted. The report did not raise any adverse issues in relation to habitats and protected species. However, a Bat Survey dated March 2018 has also been submitted which identifies the barn as being likely to be a small maternity roost of high conservation importance at local level. The report concludes that, without mitigation, the proposed development would destroy a bat roost and may harm and disturb bats; Natural England would need to approve the mitigation and issue a site licence for bats for the proposed development to proceed legally. The bat species which would be affected include brown long-eared bats and soprano pipistrelle bats (both UK priority species) as well as common pipistrelle bats. The mitigation referred to would cover minimisation of the use of external lighting, retention of existing mature trees nearby, provision of bat boxes on the barn and a nearby tree, development works commencing in October outside the

main breeding season and before hibernation commences, and creation of a bat loft inside the barn for brown long-eared bats. It is also recommended that, to prevent harm to nesting birds, any necessary clearance or reduction of shrubs or trees is conducted outside of the main bird breeding season (March to August inclusive) or, if this timescale is not possible, an ecologist checks the site for active bird nests before vegetation clearance.

- 3.1.9 A Tree Survey has also been submitted: four trees and one group of trees were surveyed due to their proximity to the barn. The survey concludes that, other than the partial removal of a group of woody shrubs to create space for the new garage, the remaining trees can be adequately protected and retained provided special protection measures are implemented.
- 3.1.10 The barn has been marketed to let by Fenn Wright Estate Agents for 17 months to establish whether any other use was feasible / viable e.g. storage, workshop or office. Fenn Wright advise that there has been a modest level of interest but no suitable applicants – in general, the building proved unsuitable for many applicants due to the internal configuration, limited parking and access issues or potential conflict / disturbance to neighbouring properties.

3.2 Conclusion

- 3.2.1 It is considered that the proposal would be acceptable in principle and would not have an adverse impact on the character and appearance of the area, the integrity of the listed building or the setting of neighbouring listed buildings, subject to the imposition of conditions. The proposal would also not have an adverse impact on the amenity of neighbouring residential properties, ecology or parking / highway safety.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 14Presumption in favour of sustainable development
- 17Core Planning Principles
- 47-55Delivering a wide choice of high quality homes.
- 56-68Requiring Good Design
- 126-141Conserving and Enhancing the Historic Environment
- 186-187Decision-taking
- 196-198Determining applications

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1Sustainable Development
- S8Settlement Boundaries and the Countryside
- D1Design Quality and Built Environment
- D3Conservation and Heritage Assets

- H4Effective Use of Land
- T1Sustainable Transport
- T2Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon District Design Guide Supplementary Planning Document (SPD)

5. MAIN CONSIDERATIONS

5.1 The main issues which require consideration as part of the determination of the planning application are the principle of the development, the impact of the proposal on the character and appearance of the area, the impact of the proposal on the Grade II listed building and the setting of neighbouring listed buildings, any impact on the occupiers of neighbouring residential properties, the quality of life for the occupiers of the proposed dwelling, ecology and parking / highways.

5.2 The only issue which requires consideration as part of the determination of the application for listed building consent is the impact of the proposed works on the Grade II listed building particularly on any features and fabric of architectural or historic interest.

5.3 Principle of Development

5.3.1 The application site is located outside the defined development boundaries of Maldon and within the countryside. Policy S8 states that, outside the defined development boundaries and other defined areas, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for development within a list set out in the Policy including (e) the re-use of a redundant or disused building that would lead to an enhancement to the immediate setting (in accordance with Policies E4 and D3).

5.3.2 Policy E4 (Agricultural and Rural Diversification) is not relevant to the consideration of this application. An assessment of the proposal against Policy D3 is below (section 5.4) along with an assessment of the impact of the proposal on the character and appearance of the area.

5.3.3 The application has been accompanied by a report which explains that the building has been unsuccessfully marketed for non-residential uses.

5.3.4 The site is located outside the settlement boundaries where the creation of new dwellings is largely restricted by policy S8 and as such the proposal is considered to represent a departure from the development plan. However, significant weight can be applied to paragraph 55 of the NPPF, which is a material consideration in the assessment of all planning applications, which states that the erection of dwellings in

the countryside should be avoided unless there are special circumstances. Two of the listed special circumstances are “*where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets*” and “*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*”.

- 5.3.5 Paragraph 131 of the NPPF states that, in determining planning applications, local planning authorities should take account of, amongst other matters, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with this conservation.
- 5.3.6 Taking the above into account, no objection to the principle of the conversion of the building to a dwellinghouse is raised, subject to an assessment against other material planning considerations as set out below.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

This principle has been reflected to the approved Local Development Plan (LDP). The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and

- Energy and resource efficiency.

5.4.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).

5.4.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.4.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.4.6 The proposed conversion would introduce limited alterations to the external appearance of the building with the re-use of the existing window and door openings, and as the external materials would match the existing. Conditions could be imposed requiring further details of windows, doors and boundary treatment.

5.4.7 The proposed residential curtilage would be contained within the immediate vicinity of the building with the majority of the external amenity space located on the building's northern side and would not therefore result in the substantial domestication of the countryside..

5.4.8 The proposed car port would be suitably located on the eastern boundary of the site in close proximity to the existing barn and, whilst some existing vegetation would require removal to facilitate its construction, this element of the proposal would not cause material harm to the character or appearance of the area. Existing trees would be retained although, based on the advice of the Arboriculturalist, further details of tree protection would be needed which can be required by condition.

5.4.9 As a result of the above considerations, it is considered that the development would not be visually intrusive in the countryside and could enhance the building's immediate setting, in compliance with Policies D1, S1, S8 and H4 of the LDP.

5.5 **Impact on the Listed Building**

5.5.1 Policy D3 of the LDP states that the Council will give great weight to the heritage asset's conservation and that any harm or loss will require clear and convincing justification. Development that affects a heritage asset will be required to 'preserve or enhance its special character, appearance, setting ... and any features and fabric of

architectural or historic interest'. LDP Policies S1, D1 and H4 are also relevant to the assessment of the impact of the proposal on the listed building.

- 5.5.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.5.3 This former agricultural building dates from the late-18th or early-19th century. It is a timber-framed building, clad in modern black-painted weatherboarding, two storeys in height, with a hipped roof clad in clay tiles, and a single-storey lean-to to the rear roofed in corrugated tin. There is an original first-floor loading door on its principal elevation, the other windows and doors are modern. This was originally a single-storey cartlodge, open back and front, with raking braces to the wall plate. Shortly after its original construction the building was raised to two storeys, to create a granary at first-floor level. The grain bins have been removed, but there is some evidence for their former presence. The original floor boards are joined by small fillets to prevent grain from falling between them. There was originally plastered brick nogging infilling the studwork at first-floor level, although only fragments of this survive. There is an historic opening, probably for ladder access, framed into the first-floor structure in the central bay. At ground-floor level there was a partition between the central bay and the next bay to the west, which has been removed. Some of the framing at the western end of the building was rebuilt in the 20th century. The rebuilt floor structure of the western bay incorporates a modern flight of stairs. This Georgian agricultural building is a reasonably good example of its type, comparable to other cartlodge-and-granary buildings such as those at Langford Hall and Bridgewick, Dengie. It complements the setting of (and shared 'group value' with) the adjacent separately listed farmhouse called Maldon Wycke. It currently functions as an outbuilding ancillary to Maldon Wycke.
- 5.5.4 In terms of the impact of the proposal upon the significance of the listed building, the Conservation Officer concludes that finding a new use for the building would help secure its long-term survival and that the building is capable of conversion without harm to its special character. In particular:

The sole plates dividing each bay are modern, so there will be no harm caused by their removal. There is already a continuous first-floor structure in place. At first-floor level the tie-beams can easily be walked under so there is no need to disturb them. There are no important historic features such as grain bins to work around. The presence of several existing openings means that not many new openings are required. The existing cladding is almost entirely modern, so the complete recladding of the building will cause no harm to its character.

.... the design of the proposed conversion [would].. be sympathetic to the building's established character. Most of the existing openings will be reused. The new windows are discreetly placed, and will run across the outside of the timber frame to ensure that none of the historic structure is removed. The use of external timber louvres will give the conversion a contemporary feel that would not compromise the building's established character, and would help soften the appearance of the larger expanses of glazing.

- 5.5.5 Concern is raised regarding the impact of the new stairs and the loss of structure proposed. However, the Conservation Officer advises that this concern could be overcome through the imposition of a condition requiring that an accurate plan-drawing is submitted for approval, illustrating precisely how much of the floor structure will be required to be removed. Such a condition, along with a condition requiring details of the rooflights to be used, are to be imposed on the associated listed building consent for the works (reference LBC/MAL18/00306)
- 5.5.6 With respect to the impact of the proposal on the setting of the listed building, the Conservation Officer advises that the style and appearance of the proposed cartlodge will harmonise with the character of the listed building and cause no harm to its setting but also advises that care will need to be taken to ensure that any new boundary treatments are sympathetic to the listed building's setting, particularly any to the front of the building.
- 5.5.7 Based on the above, it is considered that the proposal would not have an adverse impact on the listed building or its setting, subject to the imposition of conditions, in compliance with LDP Policies S1, D1, D3 and H4, the NPPG and NPPF.

5.6 Impact on Residential Amenity

- 5.6.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.6.2 The proposed dwelling would have habitable room (bedroom) windows on the front (southern), rear (northern) and eastern elevations at first floor level and there are existing dwellings to the east (Wycke Court), north (Headland and The Granary) and south (Maldon Wycke). An external staircase is also proposed on the northern elevation of the car port building proposed. However, the proposed bedroom windows facing north and south would be high level which, along with the distance to the neighbouring properties and their angle to the neighbouring properties, would not result in a material loss of privacy for the occupiers of any neighbouring dwelling.
- 5.6.3 The bedroom window facing east and the external staircase to the car port building would also not cause a material loss of privacy to Wycke Court as this window and staircase would face the end of their rear gardens and be angled away from their rear elevations and the main parts of their rear gardens.
- 5.6.4 The proposed car port, whilst being in close proximity to the rear garden of the neighbouring property at Wycke Court, would not be of a size, height or position so as to result in harm being caused by reason of dominance, loss of outlook, loss of sunlight or loss of daylight. It is not considered that any increased use of the existing accessway, would not have a material impact in terms of disturbance.
- 5.6.5 On the basis of the above, it is considered that the proposal complies with Policy D1 of the LDP.

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.7.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.7.3 Vehicular access to the proposed dwelling would be via the existing private accessway to Maldon Wycke from Spital Road. The proposal includes the provision of a car port. There would be space within the site for the parking of at least three car parking spaces which would comply with the adopted parking standards. On the basis of the above and the nature and extent of the proposal, it is considered that the development would be acceptable in terms of parking provision and highway safety, in compliance with Policies T2 and D1 of the LDP.

5.8 Quality of Life

- 5.8.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.8.2 The proposed dwelling would be provided with in excess of 100sq.m. of private amenity space which, whilst significantly smaller than the amenity space associated with the existing neighbouring dwellings, would comply with the abovementioned standards. As a result of the distances to existing, neighbouring dwellings, the positions of habitable room windows on these neighbouring dwellings and the existing boundary treatments, the occupiers of the proposed dwelling would not be exposed to an unreasonable level of overlooking. Two of the four bedrooms proposed would only be provided with high level windows which would not be ideal but reducing the cill height level of these windows would potentially have a detrimental impact on the building as a heritage asset and increase opportunities for overlooking of existing, neighbouring properties.
- 5.8.3 The Environmental Health Team (EHT) has advised that, in this particular case, the proposed development is "protected" by existing buildings and is a sufficient distance from the A414 for the occupiers of the proposed dwelling not to be adversely affected by road traffic noise from Spital Road.
- 5.8.4 Overall it is considered that the quality of life for the occupiers of the proposed dwelling would be satisfactory, in compliance with Policy D1 of the LDP.

5.9 Ecology

- 5.9.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.9.2 Policy S8 states that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty.
- 5.9.3 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value (criterion f).
- 5.9.4 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.9.5 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.9.6 Chapter 11 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.9.7 Paragraph 117 goes on to state that "planning authorities should promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations".
- 5.9.8 As part of the Bat Survey dated March 2018 submitted, the barn is identified as being likely to be a small maternity roost of high conservation importance at local level for brown long-eared bats and soprano pipistrelle bats (both UK priority species) as well as common pipistrelle bats. However, the report concludes that, with appropriate mitigation, the proposed development (which would destroy a bat roost and may harm and disturb bats) would be acceptable. Details of the mitigation measures could be required by condition (and would also require separate approval from Natural England). The mitigation measures are anticipated to include minimising the use of external lighting, retention of the existing mature trees nearby, provision of bat boxes on the barn and a nearby tree, development works commencing in October outside the main breeding season and before hibernation commences and the creation of a bat loft inside the barn for brown long-eared bats.
- 5.9.9 Subject to mitigation measures being put into place at the appropriate time for bats and nesting birds, it is considered that the proposal would not have an adverse impact

on nature conservation interests, in compliance with the NPPF and Policies S1, S8, D1, N1 and N2 of the LDP.

5.10 Other Matters

- 5.10.1 Policy D3 requires that, where development might affect geological deposits, archaeology or standing archaeology, an assessment from an appropriate specialist source should be carried out.
- 5.10.2 Based on the advice of Essex County Council, Archaeology, the application site is located in an area of known archaeological potential but the matter of archaeology could be adequately addressed through the imposition of a condition requiring archaeological assessment and the implementation of an archaeological fieldwork programme.
- 5.10.3 The Environmental Health Officer has recommended that conditions are imposed requiring that details of surface water and foul drainage are submitted. On the basis of this advice, it is considered that the issue of drainage can be adequately dealt with by way of imposition of conditions and the proposal is, therefore, compliant with Policy D5 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/16/00596 and LBC/MAL/16/00508**- Maldon Wycke: Single storey extension and alterations with erection of new open car port, garden wall and garage. Approved 07.09.2016.
- **DET/MAL/17/05081; DET/MAL/17/05070; DET/MAL/17/05026; DET/MAL/17/05027** - Maldon Wycke: Compliance with conditions notifications LBC/MAL/16/00508 and HOUSE/MAL/16/00596 – Cleared.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support subject to the views of the Conservation Officer.	Noted.

7.2 Statutory Consultees and Other Organisations *(summarised)*

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Archaeology	No response to planning application but no objection raised to associated LBC/MAL/18/00306 subject to the imposition of a full archaeology assessment and building recording condition.	Noted – see section 5.9 above.
Cadent	No response to planning application but in response to associated LBC/MAL/18/00306 advised that there is equipment in the vicinity of the site (low or medium pressure gas pipes and associated equipment) – recommends an informative is added to any approval.	Noted – the informative is recommended below.

7.3 Internal Consultees *(summarised)*

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection to either application subject to conditions.	Noted. The comments of the Conservation Officer are discussed at sections 5.4 and 5.5 above.
Arboriculturalist	The tree report provides details on the quality of the trees and their constraints. As no details have been provided as to how the work could actually impact on the trees and how the constraints will be worked around, a condition to provide detailed tree protection method statement that demonstrates how the works will be achieved, should be imposed.	Noted – refer to section 5.3 above.

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions requiring details of foul and surface water drainage; and informatives.	Noted – refer to section 5.9 above.
Leisure and Liveability	No objection, subject to further details of the mitigation being required by condition and the implementation of the recommendations in the Phase 1 Study with respect to nesting birds.	Noted – refer to section 5.8 above.

7.4 Representations received from Interested Parties (summarised)

7.4.1 No representations were received for these applications.

8. PROPOSED CONDITIONS

FUL/MAL/18/00305:

- 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: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.091609.08, 1609.07, Design and Access Statement, Bat Survey, Phase 1 Habitat Survey and Protected Species Scoping Assessment, Tree Survey.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
REASON In the interest of the character and appearance of the area and the listed building in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development shall take place until details of surface water and foul drainage schemes for the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed and retained in accordance with the approved details.

REASON To ensure appropriate surface water and foul drainage at the site in accordance with Policy D5 of the Local Development Plan.

- 5 No development shall take place until a scheme of ecological mitigation measures in relation to bats has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the mitigation measures. The development shall be undertaken in full accordance with the approved scheme and timetable, and shall be retained in perpetuity in accordance with the approved details.

REASON To ensure that the proposal does not adversely impact on nature conservation interests in accordance with the NPPF and Policies D1, S1, S8, N1 and N2 of the Maldon District Approved Local Development Plan.

- 6 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 7 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 8 No development shall take place until a tree protection method statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried-out in accordance with the approved details.

REASON In the interests of the character and appearance of the area, in accordance with Policy D1 of the Maldon District Approved Local Development Plan.

- 9 No fencing, walls, gates or other means of enclosure shall be erected within the site unless details have first been submitted to and gained the prior written approval of the Local Planning Authority.

REASON In the interest of the character and appearance of the area and the listed building in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 10 The car port building hereby permitted shall only be used for purposes incidental to the residential use of the dwellinghouse hereby permitted and no other at any time.

REASON To protect the character and appearance of the rural area, in accord with the NPPF and Policies D1, D3 and H4 of the Maldon District Approved Local Plan.

- 11 Full details of the provision and subsequent retention of both hard and soft landscape works on the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Soft Landscape Works

- 1) Details of proposed schedules of species of trees and shrubs to be planted, planting layouts with stock sizes and planting numbers / densities.
- 2) Details of the planting scheme implementation programme, including ground protection and preparation, weed clearance, stock sizes, seeding rates, planting methods, mulching, plant protection, staking and/or other support.
- 3) Details of the aftercare and maintenance programme.
The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development 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.

Hard landscape works

- 4) Details of walls with brick types, construction design and dimensions
- 5) Details of paved surfacing, with materials finishing and edgings

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.

REASON In the interests of the character and appearance of the area and the setting of the listed buildings, in accordance with the NPPF, NPPG and Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan.

- 12 The dwellinghouse hereby permitted shall not be occupied until the proposed parking has been provided in accordance with the approved details.

REASON In order to ensure adequate off-street parking in the interests of highway safety and convenience.

- 13 Prior to the occupation of the dwelling hereby approved, details of the proposed bin/recycling store shall be submitted to and approved in writing by

the Local Planning Authority. Subsequently the approved bin/recycling store shall be provided at the site in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and retained in perpetuity. REASON To ensure that appropriate storage of refuse and in the interests of protecting the character and appearance of the rural area and the setting of the listed buildings, in accordance with the NPPF, NPPG and Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan.

INFORMATIVES:

- 1 The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, we have seen more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar. Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturates soils.
- 2 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
- 3 As the building is known or suspected to contain asbestos an appropriate Asbestos Type survey of the buildings must be undertaken by a competent person. The Health and Safety Executive (HSE) must be informed where any works are notifiable under the Control of Asbestos Regulations 2012. Any scheme involving the handling, removal and disposal of any asbestos-containing materials must be done in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.
- 4 It is recommended that the Council's Building Control department is notified of any demolition in order that requirements can be made under the Building Act 1984.
- 5 The archaeological work will comprise historic building recording of the building, including the building-frame. All fieldwork should be conducted by a professional recognised historic building specialist in accordance with a brief issued by Place Services, Essex County Council, County Hall, Chelmsford, Essex. CM1 1QH Tel.03330136840
- 6 Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

LBC/MAL/18/00306:

- 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: 1609.06, 1610.loc01, 1609.sur02, 1609.sur03, 1609.sur05, 1609.sur04, 1609.09, 1609.08, 1609.07, Design and Access Statement.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 No development shall take place until samples of the weatherboarding, louvres and roof tiles to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
REASON In the interest of the listed building in accordance with policy D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited

archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the Local Planning Authority. Such archaeological assessment will inform the implementation of a programme of archaeological work. The development shall be carried out in accordance with the approved assessment.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 5 No development or demolition/conversion of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist or historic building specialist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written approval of the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

REASON As the site lies within an area of known archaeological potential, in accordance with Policy D3 of the Maldon District Approved Local Development Plan.

- 6 No development shall take place until large-scale plan-drawings of the central bay's first-floor structure, illustrating the extent of the floor structure to be removed in order to accommodate the new stairs, has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

REASON In the interest of the listed building in accordance with policy D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

- 7 No development shall take place until details of the rooflights to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

REASON In the interest of the listed building in accordance with policy D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

This page is intentionally left blank



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

Application Number	FUL/MAL/18/00342
Location	99 Wood Road Heybridge Essex CM9 4AS
Proposal	Change of use to florist shop
Applicant	Mrs Sarah Smith
Agent	N/A
Target Decision Date	4 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Council Owned Land

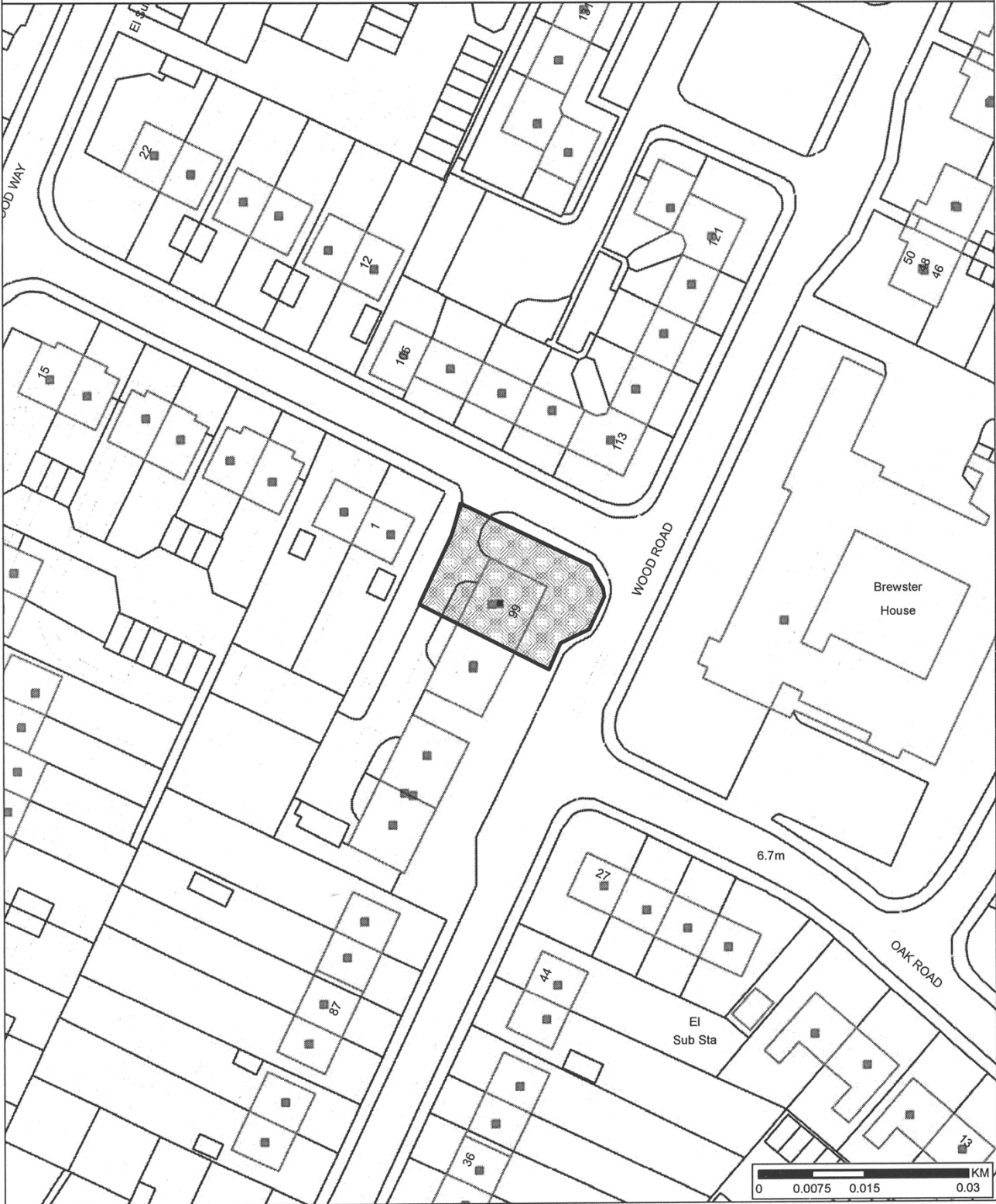
1. RECOMMENDATION

APPROVE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

99 Wood Road Heybridge
FUL/MAL/18/00342



Copyright

For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale:	1:750
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee
Date:	16/05/2018
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on a corner plot, west of Wood Road, within the settlement boundary of Heybridge. The application relates to the ground floor of a building, which currently comprises a laundrette on the ground floor and a flat on the first floor.
- 3.1.2 Planning permission is sought for a change of use class from sui generis to A1 shops. The applicant also wishes to replace the shop front windows and doors.
- 3.1.3 Specifically, the unit is currently used as a laundrette and the applicant wishes to use it as a florist.
- 3.1.4 The applicant has stated green waste will need to be disposed of, in relation to the business use, and will therefore require a green waste bin.
- 3.1.5 The proposed hours of opening are 09:00 to 18:00 every day. The florist will create and sell floral arrangements, gifts, helium balloons, chocolates, wine and greeting cards.

3.2 Conclusion

- 3.2.1 The proposal involves the change of use from sui generis (laundrette) to A1 (florist). The proposed change of use is not considered to detrimentally impact on the character and appearance of the surrounding area, the amenity of neighbouring occupiers or parking provision and highway safety. It is therefore in accordance with policy D1 and E2 of the Maldon District Local Development Plan.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

- 4.1 National Planning Policy Framework 2012 including paragraphs:
- 56-68 - Requiring Good Design
- 4.2 Maldon District Local Development Plan approved by the Secretary of State:
- D1 Design Quality and Built Environment
 - E1 Employment
 - E2 Retail Provision
 - T1 Sustainable Transport
 - T2 Accessibility
 - S1 Sustainable Development
 - H4 Effective Use of Land

- 4.3 Relevant Planning Guidance / Documents:
- Car Parking Standards
 - Essex Design Guide
 - National Planning Policy Framework (NPPF)
 - National Planning Policy Guidance (NPPG)
 - Maldon District Design Guide

5. MAIN CONSIDERATION

5.1 Principle of Development

- 5.1.1 Policy E2 aims to support the provision of retail units. Although the site is not located within a town centre area, or a primary or secondary area, there is an existing parade of three shops, the other two being a convenience store and a fast food takeaway.
- 5.1.2 It is not considered that the development is at a scale that would require a retail impact assessment.
- 5.1.3 The unit has been vacant since February 2016 and therefore there is no objection in principle to the change of use, particularly as it would result in employment and the addition of vitality and viability to the small retail area.

5.2 Design and impact on the character and appearance of the area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (2017).
- 5.2.2 Policy E2 aims to encourage shop fronts to be of a suitable design in relation to the surrounding area. The double doors will be moved to the centre of the shop front, with white panels either side of the bottom half of the door, glazed panels either side of the top half of the door and a fascia sign above the door. The internal layout will not be altered. Access to the upstairs flat will remain to the rear.
- 5.2.3 The windows and doors will be replaced, along with the installation of adverts within the windows and above the door which are to be considered under a separate application. Due to the unit previously being used as a laundrette, the alterations are not considered to have a significant impact on the character and appearance of the area, which includes a parade of three shops, surrounded by a residential area.
- 5.2.4 The change of use within this application and the associated external alterations are therefore considered to accord with this aspect of policy D1 of the Local Development Plan (LDP).

5.3 **Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The proposed changes would not affect the other businesses in the row of shops as they also fall under A1 or A5 use classes.
- 5.3.3 The surrounding area is residential and there are flats located above this row of shops, however it is not considered that the change of use within this application would have a significant impact on these neighbouring sites.
- 5.3.4 It is consequently considered that the change of use would not form an unneighbourly development in accordance with the stipulations of this aspect of policy D1 of the LDP.

5.4 **Access, Parking and Highway Safety**

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian and cycle routes.
- 5.4.2 No vehicle parking information was submitted for this application. The site currently has limited parking to the front of the site; with approximately six parking spaces to the front of the site available to the parade of three shops.
- 5.4.3 It is considered that the proposed use would generally require a similar level of parking spaces to the previous business and therefore there would not be an increase of parking demand to the extent that the proposal could be argued to be contrary to policies T1 and T2 of the LDP.

5.5 **Other Matters**

- 5.5.1 The Council's Economic Development team were consulted on this application and have raised no objections to the application as it maintains employment use and therefore creates jobs and economic growth. It is therefore considered that the change of use would be in accordance with policies E1 and E2 of the LDP.

6. **ANY RELEVANT SITE HISTORY**

- **MAB/72/66** – Shops with flats over – Approved.
- **MAB/25/69** – Laundrette – Approved.
- **FUL/MAL/17/00684** – Replacement windows - timber single glazed to UPVC double glazed. Replacement doors to rear elevation (West) - timber to aluminium. Replacement of timber soffits, fascias & barge boards with UPVC – Approved.
- **ADV/MAL/18/00344** – Fascia sign – Pending consideration.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Granting permission would bring a derelict commercial property back into viable use.	Comments noted.

7.2 Representations received from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objections subject to conditions.	Comments noted.
Economic Development	No objection as it maintains employment use and therefore creates jobs and economic growth.	Comments noted.

7.3 Representations received from External Consultees

Name of External Consultee	Comment	Officer Response
Cadent Gas	Cadent have identified gas apparatus within the application site boundary. The applicant must ensure the works do not infringe on Cadent's legal rights.	Comments noted.

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 No letters of representation have been received at the time of writing this report.

8. PROPOSED 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) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: ATS/560/01, ATS/560/02, ATS/560/06
REASON: To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.

- 3 Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 No machinery shall be operated and no process shall be undertaken outside of the building.
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 6 Prior to first use of the building for the purposes hereby approved, details of a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The measures set out within the approved scheme shall be implemented prior to the first use of the building hereby approved and retained at all times.
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 7 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.

This page is intentionally left blank



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

Application Number	ADV/MAL/18/00344
Location	99 Wood Road Heybridge Essex CM9 4AS
Proposal	Fascia sign and window adverts.
Applicant	Mrs Sarah Smith
Agent	N/A
Target Decision Date	4 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Council Owned Land

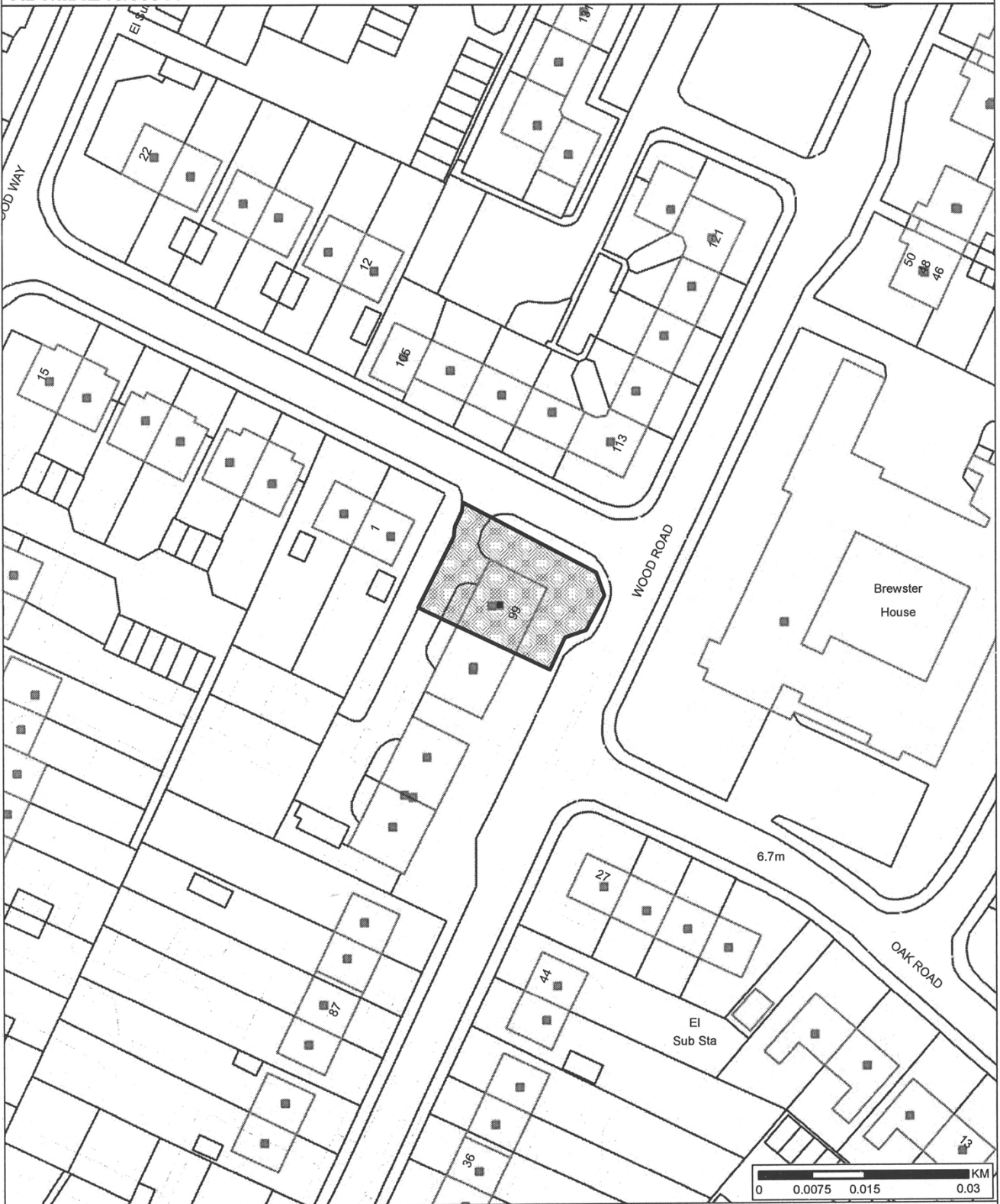
1. RECOMMENDATION


APPROVE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

99 Wood Road Heybridge
 ADV/MAL/18/00344



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:750
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	16/05/2018
	MSA Number:	100018588
<p>www.maldon.gov.uk</p>		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on a corner plot, west of Wood Road, within the settlement boundary of Heybridge. The site is a semi-detached building, which comprises a laundrette on the ground floor and a flat on the first floor.
- 3.1.2 Advertisement consent is sought for a fascia sign above the door of the shop and for various adverts in the windows and door.
- 3.1.3 The fascia sign will be located 2 metres above ground level. It will measure 0.6 metres high, 5.8 metres wide and 0.01 metres deep. The maximum height of any individual letters will be 0.5 metres. The background will be white with green text and pictures of flowers. It will not be illuminated.
- 3.1.4 There will be a window advert to the left of the door. It will measure 2.4 metres wide and 0.7 metres high, from the bottom of the window. The background will be white and the text will be green and no text will measure more than 0.07 metres high.
- 3.1.5 There will be another advert located to the right of the door, on a white background, measuring 0.8 metres wide and 0.7 metres high, starting from ground level.
- 3.1.6 There will also be adverts on the door. There will be a white panel measuring 0.7 metres wide and 0.7 metres high on the lower section of the door, with green text, with no text exceeding 0.1 metre high. There will also be a white panel with white text with a black outline, measuring 0.7 metres wide and 1 metre high, starting 0.9 metres above ground level. There will also be a small green panel with white writing located at the top of the door, measuring 0.7 metres wide and 0.1 metre high.
- 3.1.7 In terms of materials, the fascia sign will have an aluminium backing with self-adhesive vinyl. The window and door signs will be made of self-adhesive vinyl.

3.2 Conclusion

- 3.2.1 The proposal involves a fascia sign located above the door of the shop and window and door adverts. It is considered that the proposed advertisements would not harm the character and appearance of the site and would not cause harm to public safety. Therefore, the proposed advertisements are in accordance with policy D6 of the Maldon District Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56-68 Requiring Good Design

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D6 Advertisements
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

5. MAIN CONSIDERATION

5.1 Principle of Development

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and National Planning Practice Guidance (NPPG) also provides guidance on advertisements, recognising that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and on public safety.

5.1.2 The main policy when assessing this application is policy D6 of the adopted LDP. Policy D6 stipulates that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 1 The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2 Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3 Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*
- 4 Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.*

5.1.3 Paragraph 67 of the NPPF seeks to ensure that advertisements are appropriate for their setting. It states that the control of advertisements should be efficient, effective and simple in operation.

5.1.4 Generally, the principle of displaying an advertisement sign on businesses premises is considered to be acceptable.

5.2 Design and impact on the character and appearance of the area

5.2.1 In assessing the impact of visual amenity, the Local Planning Authority must assess the impact on visual and aural amenity of an advertisement. In assessing amenity, the Local Planning Authority must consider the local characteristics of the neighbourhood and whether the proposed advert is in scale and in keeping with the character and appearance of the area.

5.2.2 Neither the fascia sign nor window and door signs are considered to be excessive in size compared to the building which it is being displayed upon. The signage is of a generic type and materials and would not detrimentally harm the character and appearance of the streetscene.

5.2.3 The proposed fascia and window and door adverts are considered to be appropriate for the area. Due to the location within a small parade of shops, the proposal is not considered to cause demonstrable harm to the character and appearance of the area, in accordance with policy D6 of the LDP.

5.3 Public and Highway Safety

5.3.1 Considerations of public safety are defined as matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians. The vital consideration in assessing an advertisement's impact is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and other's safety.

5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.

5.3.3 The positioning of the advertisements, which are visible from the highway, is not considered to result in the confusion or delay of passing traffic to the detriment of highway safety. Furthermore, the Highways Authority has not objected. Therefore, subject to conditions, no conflict would arise with policy D6 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAB/72/66** – Shops with flats over – Approved.
- **MAB/25/69** – Laundrette – Approved.
- **FUL/MAL/17/00684** – Replacement windows - timber single glazed to UPVC double glazed. Replacement doors to rear elevation (West) – timber to aluminium. Replacement of timber soffits, fascias & barge boards with UPVC – Approved.
- **FUL/MAL/18/00342** – Change of use to florist shop – Pending consideration.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Granting of permission would bring derelict commercial premises back into viable use.	Comments noted.

7.2 Representations received from External Consultees

Name of External Consultee	Comment	Officer Response
Essex County Highways	No objection	Comments noted.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received at the time of writing this report.

8. PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 5 years beginning from the date hereof.
- 2 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 3 No advertisement shall be sited or displayed so as to:
 - (a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military),
 - (b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or
 - (c) Hinder the operation of any device used for the purposes of security or surveillance or for the measuring the speed of any vehicle.
- 4 Any advert displayed, and any site used for the display of advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
- 5 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- 6 Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

REASONS 1-6: These conditions are imposed pursuant to Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVE:

The Highway Authority reserves the right under Section 152 of the Highways Act, 1980 to remove or alter any sign overhanging or adjacent to the highway which is considered to be an obstruction or a hazard to the safe and convenient passage of the public in the highway.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

This page is intentionally left blank



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

Application Number	HOUSE/MAL/18/00411
Location	25 Victoria Road Maldon Essex CM9 5HE
Proposal	Proposed rear dormer
Applicant	Mr Sam Firman
Agent	Mr Alfred Coot - A G Coot Design
Target Decision Date	12 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Rev. A E J Shrimpton – in the public interest

1. RECOMMENDATION


REFUSE for the reason as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

25 Victoria Road Maldon
HOUSE/MAL/18/00411



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:750
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	16/05/2018
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 The application site is located on the southwest side of Victoria Road, within the Maldon Conservation Area and within the settlement boundary of Maldon. The site is occupied by a two storey semi-detached dwelling. The property is subject to an Article 4 (2) Direction which affects the principal elevation of the property. The surrounding area is residential in nature with properties of a similar design.

3.1.2 Planning permission is sought for a rear dormer. It will measure 2.1 metres wide, 2.8 metres deep and 1.6 metres high.

3.1.3 In terms of materials, the walls will be made of hanging slate tiles, there will be a flat leaded roof and a painted timber sash window.

3.1.4 The application follows a previous application for a larger, 'L' shaped dormer which was refused in December 2017. The reason for refusal was:

'The proposed development, by reason of its scale and design, is considered to be detrimental and harmful to the character and appearance of the existing dwelling and the Maldon Conservation Area, which is not in compliance with policies D1 or D3 of the LDP or the National Planning Policy Framework.'

3.2 Conclusion

3.2.1 The proposed development is not considered to result in any undue harm by way of overlooking or overshadowing. In addition, it also does not adversely impact on amenity space or car parking provision. However, by reason of its scale and design, the proposed dormer would detrimentally harm the character and appearance of the existing dwelling and the Maldon Conservation Area. The proposal is therefore not in compliance with policies D1 or D3 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

- 56-68 Requiring Good Design
- 126-134 Conserving and Enhancing the Historic Environment

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

5. MAIN CONSIDERATION

5.1 Principle of Development

5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and impact on the character and appearance of the area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (2017).
- 5.2.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.2.3 Victoria Road forms part of the Maldon Conservation Area and is characterised by two storey, detached and semi-detached dwellings most of which date back to the late 19th and early 20th century. The dwellings within the vicinity of the site are of a similar architectural style, with largely unaltered roof-scapes. In addition, the road is covered by an Article 4 direction, intended to maintain the original style and materials of the windows and doors.
- 5.2.4 The dormer window has been reduced in size from the previous application, and is no longer an 'L' shape. It is considered to be of limited architectural merit. In terms of scale and appearance, it is considered to result in an incongruous development which appears as an inappropriate addition to the rear elevation and does not reference the style and design of the existing dwelling, to the detriment of the appearance of the dwelling and surrounding area. Although the materials have been changed from the previous application to be more sympathetic to the conservation area, the design of the box-shape dormer is still considered to be out of keeping with the conservation area.
- 5.2.5 The proposed dormer would not be highly visible from within Victoria Road. However, views of the proposed dormer would be available from Edward Bright

Close, which is located south west of the application site. It is considered that, although the dormer has been reduced in size, it would still be considered to erode the traditional architectural character of this part of the conservation area. The proposed dormer would fail to enhance or preserve the special character and appearance of the conservation area and would detrimentally impact the existing dwelling. It is noted that the Conservation Officer has objected to this application due to the detrimental impact on the conservation area.

- 5.2.6 It is also noted that there was an application in 2017 for a rear dormer at No. 35 Victoria Road and, although it was a larger dormer, it was dismissed at appeal as it would appear as a 'strident interloper that would fail to harmonise with the style and form of the host property or the roof scale of the terrace more generally'.
- 5.2.7 Although there are some dormers visible on the rear of properties near the application site, they appear to have been constructed without planning permission under the terms of former permitted development rights. It is noted that No.17 Victoria Road was granted permission for a rear dormer in 2015, however the rear elevation of this property is less prominently visible than the application site.
- 5.2.8 It is considered that the proposed dormer would detrimentally harm the character and appearance of the original dwelling and the Maldon Conservation Area. The proposed development is therefore considered to be contrary to policies D1, D3 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. The application site has two adjacent neighbouring properties. No. 23 abuts the boundary with the application site to the south east and No. 27 is located to the North West.
- 5.3.2 The proposed dormer would be located 2.1 from the boundary with the neighbouring property to the North West, No. 27 Victoria Road. There will be no windows on the side elevation facing the neighbouring property and therefore due to this, as well as the positioning on the roof slope, the development is not considered to cause overshadowing or overlooking to an extent to justify the refusal of the application.
- 5.3.3 The proposed dormer would be located 1.3 metres from the adjoining neighbouring property to the south east, No. 23 Victoria Road. There will be no windows on the side elevation facing the neighbouring property and therefore due to this, as well as the positioning on the roof slope, the development is not considered to cause overshadowing or overlooking to an extent to justify the refusal of the application.
- 5.3.4 All other properties would be a substantial distance from the proposed development. It is consequently considered that the proposed development will not cause overlooking or have a harmful impact of the amenities of neighbouring residents and would therefore be in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The adopted Maldon

District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that a two bedroom dwelling should provide two spaces to park vehicles. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

5.4.2 The proposed development would result in an additional bedroom creating potential for a three bedroom dwelling. The parking requirement for this number of bedrooms is not different from the current requirement. Whilst there is no off street car parking provision on site, permit parking is available along Victoria Road and it is considered that due to the access to public transport and distance from the High Street, the site is within a sustainable location where a relaxation in on-site car parking provisions is reasonable. Therefore, the proposal is not considered to have such a detrimental impact on vehicle parking as to warrant a reason for refusal.

5.4.3 Therefore, there is no objection to the proposal in terms of car parking as it complies with this aspect of policy D1 of the LDP.

5.5 Amenity Space

5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m². The current garden size is approximately 250m² which is above the minimum requirement for a dwelling of this size.

5.5.2 The existing garden on the site satisfies the standard contained within the Essex Design Guide; the proposed development would not result in a loss of the rear amenity space. Therefore, there is no objection to the proposal in relation to amenity space as it is in compliance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/08/00586** – Single storey rear extension – Approved.
- **HOUSE /MAL/17/01175**– Proposed dormer in the roof at the rear to provide bedroom – Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval.	Comments noted.

7.2 Representations received from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>More sympathetic materials have been proposed compared to the previous application however it would still resemble a box extension and not a traditional dormer and would appear as an incongruous feature, exacerbated by the misalignment of the window.</p> <p>It would cause less harm to the conservation area than the previous application but it still does not preserve or enhance the conservation area and therefore the application should be refused.</p>	Comments noted.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received at the time of writing this report.

8. REASON FOR REFUSAL

- 1 The proposed dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the Maldon Conservation Area, contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

This page is intentionally left blank