

# Unrestricted Document Pack

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HEAD OF PAID SERVICE'S OFFICE  
HEAD OF PAID SERVICE  
Richard Holmes

06 November 2018

Dear Councillor

You are summoned to attend the meeting of the;

## **CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 14 NOVEMBER 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



Head of Paid Service

### 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.

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**AGENDA**  
**CENTRAL AREA PLANNING COMMITTEE**  
**WEDNESDAY 14 NOVEMBER 2018**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 12)

To confirm the Minutes of the meeting of the Committee held on 17 October 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/18/00699 - Blackwater Leisure Centre** (Pages 13 - 24)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

6. **ADV/MAL/18/01066 - South of Wycke Hill & Limebrook Way** (Pages 25 - 34)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

7. **FUL/MAL/18/01078 - 57 High Street** (Pages 35 - 46)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

8. **LBC/MAL/18/01079 - 57 High Street** (Pages 47 - 56)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

9. **HOUSE/MAL/18/01089 - 57 Mariners Way** (Pages 57 - 64)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)\*.

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

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## 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 – 9.
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](http://www.maldon.gov.uk/committees)

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

## **NOTICES**

### **Sound Recording of Meeting**

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## **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)

### **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
  - 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 (as amended)
  - The Town and Country Planning (Development Management Procedure) (England) Order 2015
- 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 (as amended)
- The Neighbourhood Planning (Referendum) Regulations 2012 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 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)

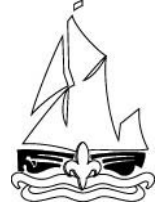
### **ii) Essex County Council**

- Essex Design Guide 1997 (Note: superseded by Maldon Design Guide)
- Essex and Southend on Sea Replacement Waste Local Plan 2017

### **iii) Maldon District Council**

- Five Year Housing Land Supply Statement 2016 / 17
- Maldon Design Guide - 2017
- Central Maldon and Heybridge Masterplan - 2017
- 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 –2006
- Wickham Bishops Village Design Statement – 2010
- Althorne Village Design Statement - 2015
- 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  
17 OCTOBER 2018**

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**PRESENT**

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss M R Lewis
Councillors	Miss A M Beale, A T Cain, Mrs B D Harker, M S Heard, M R Pearlman, S J Savage, Mrs N G F Shaughnessy and Rev. A E J Shrimpton

**503. CHAIRMAN'S NOTICES**

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

**504. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors I E Dobson and Mrs P A Channer, CC.

**505. MINUTES OF THE LAST MEETING**

**RESOLVED** that the Minutes from the meeting of the Committee held on 19 September 2018 be approved and confirmed.

**506. DISCLOSURE OF INTEREST**

There was none.

**507. FUL/MAL/18/00791 - OSEA LEISURE PARK, GOLDHANGER ROAD, HEYBRIDGE**

<b>Application Number</b>	<b>FUL/MAL/18/00791</b>
<b>Location</b>	Osea Leisure Park Goldhanger Road Heybridge Essex
<b>Proposal</b>	Change of Use of inner field from touring caravans occupied between 1st April - 30th September to use for stationing of Holiday Lodges, with occupation between the 1st March - 14th February each year in line with current static caravan and lodges on the wider site.
<b>Applicant</b>	Mr Christopher Powdrill
<b>Agent</b>	Mr Robert Pomery - Pomery Planning Consultants Ltd
<b>Target Decision Date</b>	31 October 2018
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Major Application

Following the Officer's presentation, the Chairman drew the Committee's attention to the request for a deferral in the Members' Update.

After a brief discussion the Chairman put forward the proposal for a deferral to allow for additional supporting information to be submitted, and this was duly seconded. Upon a vote being taken the deferral was approved.

**RESOLVED** that the application be **DEFERRED** for the above mentioned reason.

**508. HOUSE/MAL/18/00948 - 91 SPITAL ROAD, MALDON**

<b>Application Number</b>	<b>HOUSE /MAL/18/00948</b>
<b>Location</b>	91 Spital Road, Maldon
<b>Proposal</b>	External staircase and entrance to loft space to provide a study, and obscure glass skylights.
<b>Applicant</b>	Mr Tim Keeling
<b>Agent</b>	N/A
<b>Target Decision Date</b>	24.10.2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Shrimpton Reason: Public interest and request of Maldon Town Council

Following the Officer's presentation Mrs Linsey Twinley, an Objector, and Mrs Pauline Keeling, the Applicant, addressed the Committee.

Members discussed the application considering the applicant's business needs and their neighbours' privacy. The Committee sympathised with both the applicant and their neighbours, and considered whether the proposed external entrance was the only way to access the loft space.

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

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

- 1 The proposed staircase would give rise to an unneighbourly form of development which would result in an unacceptable loss of privacy and an increase of perceived overlooking of neighbouring occupiers. The proposal is therefore contrary to Policy D1 of the MDLDP and guidance contained in the NPPF.
- 2 The proposed staircase is considered to be a contrived and visually unacceptable addition, which would detract from the character and appearance of the existing dwelling, contrary to Policies D1 and H4 of the MDLDP and guidance contained in the NPPF.

**509. HOUSE/MAL/18/00967 - 9 WARWICK DRIVE, MALDON**

<b>Application Number</b>	<b>HOUSE/MAL/18/00967</b>
<b>Location</b>	9 Warwick Drive, Maldon
<b>Proposal</b>	Single storey side and rear extension
<b>Applicant</b>	Mr Mick Savill
<b>Agent</b>	Mr Fraser Tugby
<b>Target Decision Date</b>	22.10.2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Shrimpton Reason: Public interest and request of Maldon Town Council

Following the Officer's presentation a debate ensued questioning whether this item should have been called in to the Committee. It was confirmed that the application was called in by Councillor S J Savage.

The Committee raised concerns around Member Call In following the removal of the Parish Trigger. It was agreed that their concerns on Member Call In should be referred to the Monitoring Officer.

The Chairman put the Officer's recommendation to the Committee and upon a vote being taken the application was approved.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: 18418/SP, 18418/01, 18418/02.
- 3 The materials used in the construction of the extension hereby approved shall be as set out within the application form/plans hereby approved.

**510. HOUSE/MAL/18/00980 - 11 BATTLE RISE, HEYBRIDGE**

<b>Application Number</b>	<b>HOUSE/MAL/18/00980</b>
<b>Location</b>	11 Battle Rise, Heybridge
<b>Proposal</b>	Loft conversion with installation of roof lights.
<b>Applicant</b>	Mr Janes
<b>Agent</b>	Mr Jason Tyres – JPT Design Consultants Ltd.
<b>Target Decision Date</b>	22.10.2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Harker Reason: Due to public concern

Following the Officer's presentation, Mr Martin Janes, the Applicant addressed the Committee.

After a brief discussion the Chairman put the Officer's recommendation of approval to the Committee. Upon a vote being taken the application was approved.

**RESOLVED** that the application be **APPROVED** in accordance with the Officer's recommendation:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: JPT/CR/MJ/0518/001 Rev D
- 3 The materials used in the construction of the roof lights hereby approved shall be as set out within the application form/plans hereby approved.

There being no further items of business the Chairman closed the meeting at 7.55 pm.

**B E HARKER**  
**CHAIRMAN**



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
14 NOVEMBER 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00699</b>
<b>Location</b>	Blackwater Leisure Centre, Park Drive, Maldon
<b>Proposal</b>	Provision of building to be used as a community hub and associated boundary treatments (nursery, childcare provision, children's holiday club, crèche for the leisure centre, private hire by community groups).
<b>Applicant</b>	Mrs Sharon Kennedy – Watership Downs
<b>Agent</b>	Paul Lonergan – Paul Lonergan Architects Ltd
<b>Target Decision Date</b>	19/11/2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Council Owned Land Major Application – Site Area Member Call In – Councillor S J Savage – request of applicant and public interest

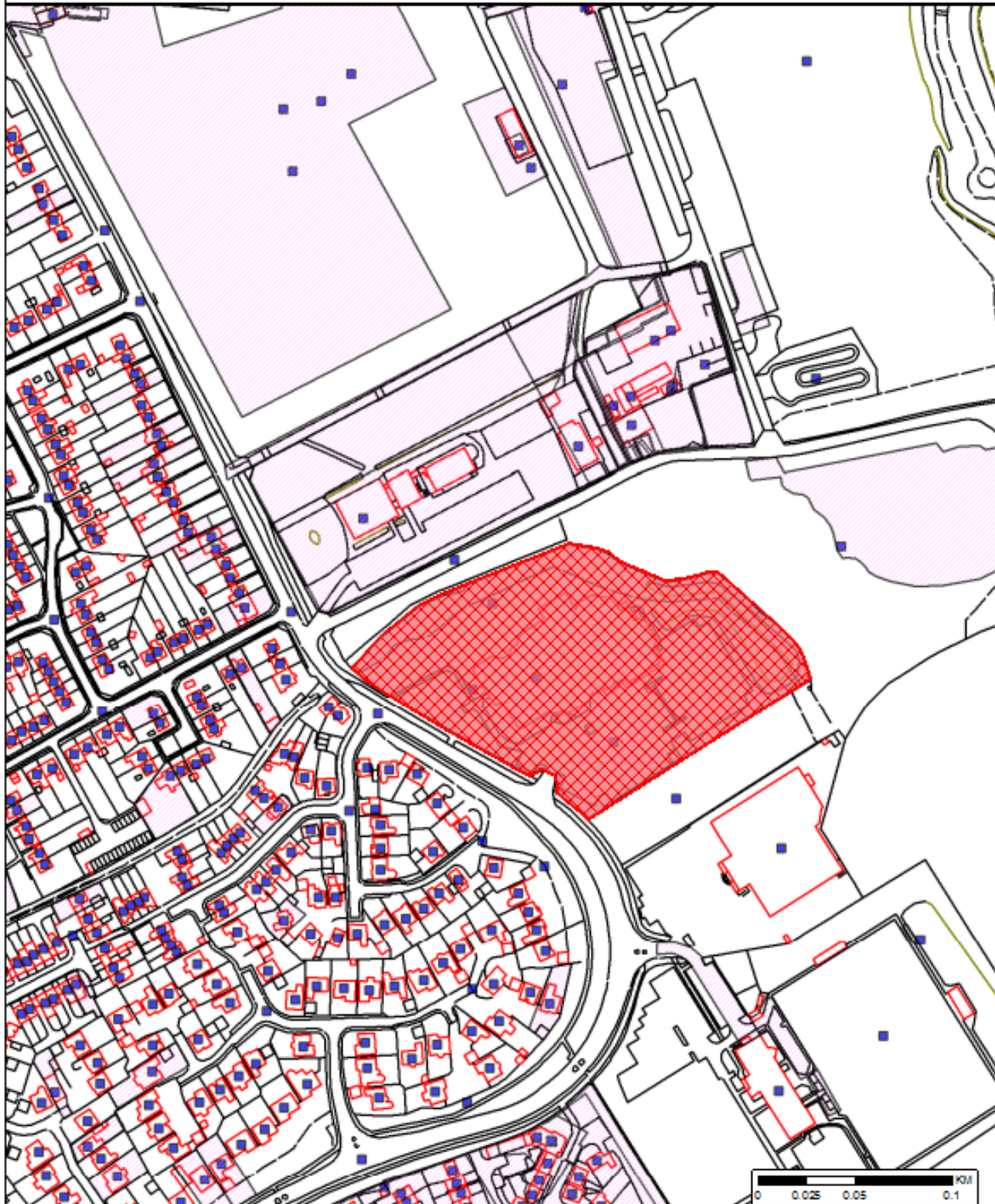
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Blackwater Leisure Centre, Park Drive, Maldon**  
18/00699/FUL



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Scale: 1:2,702

Organisation: Maldon District Council

Department: Department

Comments: Central Planning Committee

Date: 31/10/2018

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located north east of Park Drive, within the settlement boundary of Maldon. The site comprises the Blackwater Leisure Centre and associated car park.
- 3.1.2 The site is located within the defined development boundary of Maldon and is an area with a mix of uses. To the south east of the site is Madison Heights, a recreational centre with bowling facilities, a children's play centre, a roller skating facility, bar and restaurant. To the immediate north of the site is Park Drive Health Club and the waste depot. Beyond this is Maldon Promenade Park. The application site, Park Drive and Madison Heights sites are all allocated in the local plan for leisure centre purposes.
- 3.1.3 The existing building is set back from the roadside and can be accessed on foot via an existing footway leading from Park Drive, approximately opposite Mirosa Drive. The main vehicular entrance to the site is further south along Park Drive.
- 3.1.4 In addition, to the north of the site is an area of grassland and some mature trees which form part of a woodland. There is also a stream within this locality.
- 3.1.5 The proposed building will be located to the rear of the Leisure Centre building. The proposed building will be of a log cabin construction, with a black shingle roof, double glazed wooden windows and doors.
- 3.1.6 The proposed building will measure 14 metres wide and 8.8 metres deep, with a 1.5 metre deep and 5.8 metres wide section stepped back from the principal elevation in the centre. It will measure 2.3 metres high to the eaves and 3.6 metres high overall. There will be a further 1.3 metre projection and 14 metres wide decking area to the front of the building. This will measure 2.8 metres deep in the inset section.
- 3.1.7 There will be a fence around the building, to form a compound measuring 54.2 metres wide and 30 metres deep and the largest depth. The fence will measure 3 metres high from ground level adjacent to the building and will follow the ground level as it rises, and will measure 2 metres high at highest slope of the ground level. There will be a gated access into the outdoor compound on the west side of the fence.
- 3.1.8 A new path access measuring 2.4 metres wide will be located in between the leisure centre and the proposed building.
- 3.1.9 The applicant has submitted supporting information regarding the use of the building. The Design and Access Statement states that the building will be used predominantly by Watership Downs Nursery. This Nursery has been located along Downs Road, Maldon. However it is looking to relocate to the Leisure Centre site due to the lease on the current site coming to an end. The proposed site would provide an 11 place crèche facility for children 0-5 years old; the proposed hours of operation would be 09:00-13:00 on weekdays and will operate 51 weeks of the year. The site would also provide a 30 place pre-school for children aged 2-5 years; the proposed hours of operation are 09:00-15:30 on weekdays and will operate 39 weeks of the year,

following school holidays. The site will also provide childcare for 15 children aged 5-11 years; the morning session will run from 07:00-8:45 including school drop off and the afternoon session will run from 15:15-18:00 including school collection. The site will also offer holiday childcare provision for children aged 0-5 years.

- 3.1.10 It is proposed to let other community groups, such as Scouts or Guides, hire the site from 18:30-21:00. It is also proposed to let the site be hired at weekends, for events or children's parties, between 09:00 and 18:00. The site would also provide a community hub for families offering Health Visitor access, Essex Child and Family Wellbeing Services courses, drop in sessions for children aged 0-5 years and a weekly Mother and Toddler session.
- 3.1.11 The bin storage will be located to the rear of the building. Within the building there will be a kitchen, office and toilet facilities. The Design and Access Statement states that it has been agreed with Places for People Leisure, who runs the Leisure Centre in partnership with Maldon District Council, that the utilities can connect to existing supplies. Waste and recycling will be collected in relation to commercial waste collection services for the Leisure Centre.

### **3.2 Conclusion**

- 3.2.1 The proposed building would not result in a detrimental impact on the visual amenity of the streetscene. Furthermore, the proposal is considered to be beneficial in terms of employment and regarding the provision of a community facility. However, it has not been sufficiently proven that the proposal will not result in an unacceptable level of noise, in terms of the impact on the neighbouring residential area, primarily in relation to the evening and weekend use. Furthermore, there is no on-site parking proposed, and therefore the proposal is contrary to policies D1, H4, T1 and T2 of the 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 2018 including paragraphs:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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

- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- E1 Employment
- E3 Community Services and Facilities
- T1 Sustainable Transport

- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

#### **4.3 Relevant Planning Guidance / Documents:**

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

### **5. MAIN CONSIDERATION**

#### **5.1 Principle of Development**

- 5.1.1 Policy E3 states that the Council will seek to retain and enhance the provision of community services and facilities within the District. Proposals which help to improve the provision of community services and facilities will be encouraged, including the expansion of existing services. The proposed building seeks to provide a facility which will be used for childcare and as a community hub, which is in line with the aims set out within policy E3 of the LDP. As such the general principle of development is acceptable, particularly given the existing land use as a leisure centre and the position of the site within the settlement boundary of Maldon, subject to other considerations which are examined 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 MDDG (2017).
- 5.2.2 The proposed building is considered to be of an acceptable design when having regard to the existing building on the site, and its scale and appearance. The use of timber in the construction of the building is considered to be acceptable.
- 5.2.3 The proposed building will be sited to the rear of the host building, but will be visible from Park Drive to the west. However the scale of the building, including its height and depth, would not result in an unduly prominent addition to the existing site. With regard to visual impact, due to its location to the rear of the leisure centre, there would be some limited views of the building from Park Drive. However, given the scale of the building in relation to the existing leisure centre, as well as it being partially shielded by vegetation to the west, the views of the proposed building are not considered to be detrimental to an extent that would justify the refusal of the application.

- 5.2.4 There will be a green chain-link fence around the compound. This will be visible from Park Drive. However it is not considered to cause such a level of harm to the visual amenity of the streetscene to an extent that would justify the refusal of the application.
- 5.2.5 The existing footpath between the proposed building and the leisure centre will be widened to allow for better access to the building for buggies and wheelchairs. The widening of the path will not cause harm to the amenity of the surrounding area.
- 5.2.6 Therefore the proposed building, fence and external alterations are considered to be in accordance with this aspect of policy D1 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, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 To the north of the site is a leisure club, and waste disposal tip and to the south of the site is Madison Heights. Therefore, there are no concerns relating to the impact of the proposal on these sites as they have similar levels of activity.
- 5.3.3 The site is located directly opposite a residential area to the west. It is considered that the proposed building would not have a materially harmful impact on the residential amenity of the neighbouring occupiers, in terms of loss of privacy or loss of light, due to the minimum separation distance of 43 metres between the western fence of the compound and the closest residential property.
- 5.3.4 It is proposed to primarily use the site during the day. However it is also proposed to hire out the building at evenings and weekends. If the application were to be approved, conditions are likely to be suggested regarding the hours of operation, in order to protect the residential amenity of neighbouring occupiers.
- 5.3.5 The proposed development would be located in close proximity to residential dwellings to the west; Mirosa Drive, Tideway, Jersey Road and Beaumont Way. Although these properties are located at least 43 metres from the closest fence of the compound, no evidence has been submitted to prove that the proposed development would not have a detrimental impact in terms of an unacceptable level of noise. Further to the use of the building as a nursery and community hub, there is also an outdoor compound which would exacerbate the noise from the children.
- 5.3.6 In making this assessment it is noted that the Council's Environmental Health Team has objected due to the lack of a Noise Impact Assessment. It is considered that the background noise levels, including the noise from the highway and the existing use of the site as a leisure centre, could provide grounds to be satisfied that the daytime use could be acceptable, especially as this is when residents would be less susceptible to noise impacts. Therefore, it is considered that the daytime use would potentially be supported, but this should have been demonstrated by a Noise Impact Assessment which has not been provided.

- 5.3.7 It is also proposed to hire out the building during evenings and weekends. It is this proposed use that is considered to be particularly likely to impact on neighbours and therefore in this respect, Officers support the Environmental Health Team's request for a Noise Impact Assessment, to assess the effect of the noise levels on the nearby residential area and demonstrate that no harm would arise. Furthermore, there is no evidence that the proposed building would include any sound insulation, in contrast to the main Leisure Centre building and therefore, whilst the existing uses are noted, it is considered that these would be better mitigated than this proposal. In addition, there is also an outdoor compound which would exacerbate the noise levels.
- 5.3.8 Therefore, in the absence of a noise survey, it has not been demonstrated that it would be possible or reasonable to impose a condition, which would overcome the concerns in relation to the impact on the residential amenity of neighbouring occupiers.
- 5.3.9 After the concerns from the Environmental Health Team were received, the applicant was invited to submit a Noise Impact Assessment. The applicant was also invited omit the evening and weekend use from the application, so it only related to a daytime nursery use. However both of these suggestions were rejected. The applicant considered the evening and weekend hire as an essential part of the business model and so did not wish to remove this element from the proposal.
- 5.3.10 In light of the above, it is considered that it has not been satisfactorily demonstrated that the development would not result in an unacceptable noise impact for neighbouring residential sites and therefore the proposal is contrary to 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 Councils 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 The site features an existing car park that serves the Blackwater Leisure Centre. There is also pedestrian access via an existing footpath to the west of the site, leading across the road, and to the south, leading to the car park. There are no changes proposed to the access and parking arrangements of the site.
- 5.4.3 The adopted SPD requires that a crèche/nursery should have one space per full time staff and waiting facilities where appropriate. The application form states that there will be 22 part time members of staff; the full time staff equivalent being 11 members of staff. Therefore the site would need to provide 11 parking spaces for the employees of the nursery. Regarding the evening and weekend use, the parking standards requires 1 parking space per 22 square metres; totalling 5 parking spaces in relation to the proposed building. As the nursery use and the private hire use will not occur at the same time, it is considered that the total number of parking spaces needed at the site at any one time would be a minimum of 11 parking spaces. The Design and Access Statement submitted with the application states that the users of the proposed building will be informed that they can only use the parking at the Leisure Centre if they are also using their facilities. It also states that there will be no parking on site for staff members. It is noted that the current site of the Watership Downs Nursery,

on Downs Road, has no parking. However this is not considered to justify having no parking for the proposed building, particularly as the Downs Road site is in a more sustainable location that is within the Maldon Town Centre Area.

- 5.4.4 It is noted that the parking area for the Leisure Centre is extensive and may be capable of accommodating the increase in parking requirements. However, as the application has stated that this car park will not be available for use by the staff members of the proposed nursery building, this cannot be considered.
- 5.4.5 There may be some increased traffic as a result of the nursery. However, this is likely to be limited to the set drop-off and collection times and therefore it is not considered to cause demonstrable harm to the flow of traffic to an extent that would justify the refusal of the application.
- 5.4.6 It is considered that the provision of no on-site parking for the proposed building is unacceptable and therefore the proposal is considered to be contrary to policies T1 and T2 of the LDP.

## **5.5 Flood Risk**

- 5.5.1 The site is in flood zone 2 and has an area in excess of 1 hectare. A flood risk assessment has been submitted. The Flood Risk Assessment states that there are no other locations large enough to accommodate the new building and the associated external space required, nor any sites that are close enough to the Leisure Centre to be able to provide a crèche facility for Leisure Centre users. Furthermore, the building will not be in use overnight and therefore the risk to users from flooding will be low.
- 5.5.2 No objections to the proposal have been raised by the Environment Agency and therefore there are no objections in relation to flood risk.

## **5.6 Employment**

- 5.6.1 Policy E1 of the approved Maldon District Local Development Plan (MDLDP) states that the Council will encourage employment generating developments and investment in the District to support long term growth vision outlined in the Council's Economic Prosperity Strategy.
- 5.6.2 The Design and Access Statement submitted with the application has stated that the proposed building will result in the 16 current employees of Watership Downs Nursery being kept in employment, with the proposed number of employees being 22.
- 5.6.3 The Economic Development team were consulted on this application and have no objection as it enables a well-established business to continue once their current premises are no longer available. The facility will be able to offer a wide range of services, with the ability to employ at least 16 members of staff and the opportunity to employ an additional minimum of 10 more members of staff. The proposal is therefore in accordance with policy E1 of the LDP.

## 5.7 Other Matters

- 5.7.1 The Council's Environmental Health team have also recommended conditions relating to contaminated land on the site. These are considered to be reasonable conditions and would be included, should the application be approved.
- 5.7.2 It is noted that there has been an objection due to the loss of wildlife. However, the proposed site is currently a well-kept grass area and therefore it is not considered highly likely that there is a high amount of wildlife that would be under threat if the proposal were to be approved. If such wildlife were found during the construction process, there is other legislation that would provide protection.

## 6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/98/00396** - Construction of multi-purpose sports hall and ancillary facilities to existing leisure centre – Approved
- **FUL/MAL/00/00538** - Proposed single storey extension to existing swimming pool to provide new entrance, sports hall, health and fitness, aerobics studio, consultation rooms and changing facilities – Approved
- **FUL/MAL/01/00093** - Proposed erection of temporary accommodation to provide a Fitness Suite, Male/Female changing facilities and covered glazed link to existing building. – Approved
- **FUL/MAL/01/00679** - Erection of temporary accommodation to provide a temporary crèche. – Approved
- **ADV/MAL/02/00820** - Erect unilluminated totem signboard adjacent to site entrance and install 2 no. unilluminated signs on south east elevation of building – Approved
- **FUL/MAL/14/00570** - Extension to Leisure Centre to create Aerobics Studio – Approved
- **FUL/MAL/16/01252** - Retrospective - Change of use of 3No. parking bays for use as mobile car wash – 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
Environmental Health	There are concerns raised regarding the noise impact. A Noise Impact Assessment has not been submitted. Object, until satisfied that noise from the development will not affect the amenity of nearby residential premises. Recommend conditions to deal with contaminated land.	Comments noted.
Economic Development	No objection as it enables a well-established business to continue after their premises become unavailable in 2019. The proposed premises can offer a diverse range of facilities and enables the expansion of the business, and the employment of more staff.	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.
Natural England	No comments to make	Noted
SuDS	No objection	Comments noted
County Highways	No response	N/A
Tree Consultant	No response	N/A
Essex Wildlife Trust	No response	N/A

## 7.4 Representations received from Interested Parties

7.4.1 1 Letter of objection has been received at the time of writing this report.

Objecting Comment	Officer Response
There is a lot of wildlife which would be lost.	See Section 5.7.2
There are traffic problems at Madison Heights and the football club, which would be increased. The car park of the Leisure Centre is full most of the day.	See Section 5.4

<b>Objecting Comment</b>	<b>Officer Response</b>
<p>There is already a crèche at the football club.</p> <p>Evening functions should not be allowed. A noise assessment should be submitted.</p> <p>The purpose of Watership Downs seems to have changed.</p> <p>The site area is a flood plain.</p> <p>Where is the entrance and exit going to be?</p>	<p>Comments noted. Competition is not a planning consideration and there is no policy that limits this type of use.</p> <p>Comments noted. The Environmental Health team have raised concerns regarding the noise. See Section 5.3.6-5.3.10.</p> <p>No objections have been received in relation to flooding from the Environment Agency or Environmental Health.</p> <p>The building will use the car park of the leisure centre and will use the existing footpath access.</p>

7.4.2 4 Letters of support have been received at the time of writing this report.

<b>Supporting Comment</b>	<b>Officer Response</b>
<p>The new facility will have the benefit of parking and safe access whereas before, when Watership Downs Nursery was location of Downs Road, parents and children stepped directly onto the road, as well as there being issues with parking.</p> <p>When the nursery operated in its old location, there were no noise complaints, and the proposed location is further away from residential sites than previously.</p> <p>The proposed site benefits from a higher number of clients and increased employment.</p> <p>The existing location of the nursery will be reverted to a maritime use and provide employment in the waterfront.</p> <p>Tesco support the application as they donate food to the nursery and have given them a new playground.</p> <p>The Maldon Child and Family Wellbeing Service works with the nursery to provide an affordable crèche. Having the new building will allow this service to have access to a family community space and provides opportunities to run community projects, including healthy eating projects, and a meeting point for groups.</p>	<p>Comments noted.</p>

- 7.4.3 1 Letter commenting on the application has been received at the time of writing the report.

Comment	Officer Response
Assume there will be a late night noise restriction, especially if it is used for private hire.	Comments noted. The Environmental Health team have raised concerns regarding the noise. See Section 5.3.6-5.3.10.
The Agent has submitted a letter from the Children's Community Development Lead	
- Should Watership Downs Nursery be faced with closure, this would lead to the loss of pre-school places within the ward, which would not be met with alternative local provision.	Comments noted.

## 8. **REASONS FOR REFUSAL**

1. The proposed development would be within close proximity of residential properties. In the absence of a noise assessment, the impact on the residential neighbours cannot be fully assessed. As such, it has not been satisfactorily demonstrated that the activities associated with the development, in particular the evening and weekend use, would not result in excessive noise levels within the neighbouring residential dwellings which would have the potential to be detrimental to their residential amenity. Notwithstanding the positive aspects of the development, it is considered necessary to take a precautionary stance and deem that the proposal is contrary to policies D1 and H4 of the MDLDP and the guidance contained within the NPPF.
2. The proposal has not been accompanied by sufficient evidence to demonstrate that there will be any available parking at the site. The adopted SPD requires at least 11 parking spaces for this type of development and in the absence of adequate parking it is considered that the proposal could cause parking stress and impact upon highway safety. Therefore the proposal is contrary to policies T1 and T2 of the MDLDP and the guidance contained within the NPPF.



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
14 NOVEMBER 2018**

<b>Application Number</b>	<b>ADV/MAL/18/01066</b>
<b>Location</b>	Land South Of Wycke Hill and Limebrook Way Maldon Essex
<b>Proposal</b>	Moveable advertisements attached to hoardings, no more than 100m in length in total, to promote the District of Maldon and the South Maldon Garden Suburb.
<b>Applicant</b>	Maldon District Council
<b>Agent</b>	None.
<b>Target Decision Date</b>	19.11.18
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Council application

**1. RECOMMENDATION**

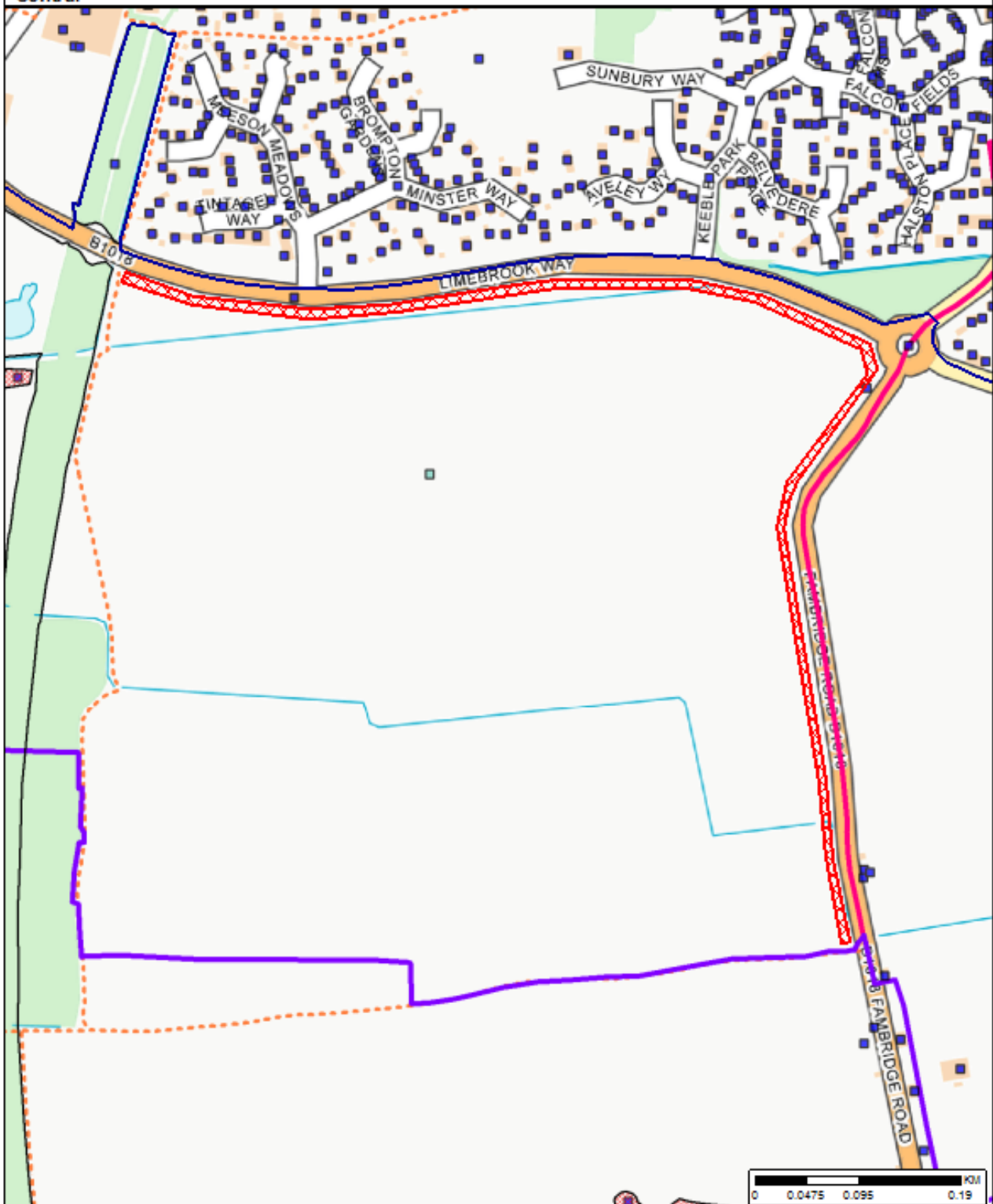
**GRANT ADVERTISEMENT CONSENT** subject to the conditions (as detailed in Section 8 of this report).


**2. SITE MAP**

Please see overleaf.

18/01066/ADV

Central



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central
	Date:	16/10/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application relates to part of Strategic Site 2(A) in the Local Development Plan (LDP) which has planning permission for up to 1,000 houses (planning permission reference OUT/MAL/14/01103) on land located immediately to the south of Limebrook Way. The current application site is located to the east of the former railway line which runs through the Strategic Site, from north to south. The application site includes the hoardings which have been erected along part of the boundaries of this Strategic Site with Limebrook Way (to the north) and Fambridge Road (to the east). The site measures approximately 6m in width and 1280m in length. Development works have commenced behind the hoardings.
- 3.1.2 Maldon District Council seeks consent to display advertisements attached to the hoardings, at any point along the hoardings but not exceeding a linear distance of 100m, to promote Maldon as a great place to live and work and announce the creation of the South Maldon Garden Suburb. The individual panels would measure between 4.1m and 4.8m in length and 2.1m in height. Consent is sought for a two-year period, until 30/09/2020. The advertisements would not be illuminated. The positioning of the adverts on the hoardings would vary according to the stages of the development.

#### **3.2 Conclusion**

- 3.2.1 The proposed advertisements would not cause material harm amenity or public safety, in compliance with Policy D6 of the LDP and the National Planning and Policy Framework (NPPF), and are recommended for approval on this basis.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 80-84 Building a strong and competitive economy
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D6 Advertisements
- T1 Sustainable Transport
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

5.1 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 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. Paragraph 132 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.

5.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety and amenity subject to the following criteria:

- 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;
- Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;
- 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;
- 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.

### **5.3 Principle of Development**

- 5.3.1 The principle of displaying advertisements on hoardings at the site is considered to be acceptable, subject to an assessment of the impact of the proposal on amenity and public safety.

### **5.4 Impact on Amenity**

- 5.4.1 The 2007 Regulations state that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.
- 5.4.2 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.

- 5.4.3 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 quality and character of places can suffer when advertisements are poorly sited and designed.”*

- 5.4.4 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.

- 5.4.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

- 5.4.6 Policy D6, referred to above, sets out criteria for the consideration of advertisements in relation to amenity.

- 5.4.7 In assessing the impact of 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 adverts are in scale and in keeping with the character and appearance of the area.

- 5.4.8 The advertisements would not be illuminated and only cover a maximum of 100m of the length of the hoarding which extends to around 1280m. The proposed promotional material would be viewed in the context of the construction site and would add interest to the hoardings. Given that the development of the adjoining land for residential purposes is in progress, the hoardings are already in situ and the advertisements are only proposed for a temporary period, it is considered that the proposed advertisements would not cause demonstrable harm to the character and appearance of the area or be visually intrusive.

## **5.5 Impact on Public Safety**

- 5.5.1 Factors relating to public safety, in this case, would be principally concerned with highway safety.
- 5.5.2 Policy D6 of the LDP states that consent will only be given to signs that respect the interest of public safety.
- 5.5.3 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 main consideration in assessing an advertisement's impact is whether the advertisement itself, or the 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.
- 5.5.4 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.
- 5.5.5 The Highways Officer has raised no objection to the proposed advertisements, subject to the imposition of a condition requiring that the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of buildings materials and manoeuvring of all vehicles, including construction traffic, shall be provided clear of the highway. However, such a condition is not relevant or necessary in this case due to the minor scale of the works and as this matter is not relevant to the assessment of an application to display advertisements. Obstructions to the highway are, in any event, controlled by other legislation.
- 5.5.6 Based on this and as a result of the nature, size and position of the proposed advertisements, it is not considered that the proposal would be detrimental to highway or public safety. It is considered that the adverts are of a design which is simple, clear and legible, and in a position, so that they are unlikely to result in confusion or delay of passing traffic to the detriment of highway safety.

## **5.6 Other Material Considerations**

- 5.6.1 The Economic Development Team support the proposal which will promote Maldon District as a great place to work, live and enjoy.

## 6. ANY RELEVANT SITE HISTORY

- **ADV/MAL/18/01176** - 10 sign panels measuring 3,050mm by 1,500mm and one sign panel measuring 57,339mm by 2,140mm. 9no. flags 1,000mm by 2,000mm attached atop 6,000mm poles. Undetermined to date (Taylor Wimpey).
- **RES/MAL/18/00531** - Approval of reserved matters (layout, scale, appearance and landscaping) for Phase 1 of the Eastern Parcel of the wider Land South of Wycke Hill and Limebrook Way site (LPA Application Ref. FUL/MAL/18/00071), comprising the construction of 200 residential dwellings (Use Class C3) and associated works - Approved 11.09.2018 (Taylor Wimpey).
- **FUL/MAL/18/00494** - Application for infrastructure works, including; foul and surface water drainage, provision of highways, proposed site levels and associated works. Approved 02.10.2018 (Taylor Wimpey).
- **FUL/MAL/18/00071** - Variation of conditions 5, 13, 21, 25, 43, 53, 55, 61, 63, 67, 68, 69, 74, 81, 84 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 13.04.2018.
- **FUL/MAL/18/00070** - Variation of condition 7 on approved application FUL/MAL/17/00396 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 13.04.2018.
- **FUL/MAL/17/00396** - Variation of condition 27 on approved application OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 24.07.2017.
- **FUL/MAL/16/01458** - Variation of condition 11 and removal of condition 12 on planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping,

sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 16.02.2017.

- **FUL/MAL/16/01454** - Variation of conditions 5, 13 & 14 on approved planning permission OUT/MAL/14/01103 (Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure). Approved 16.02.2017.
- **OUT/MAL/14/01103** – Outline application for up to 1000 dwellings, an employment area of 3.4 hectares (Use Classes B1, B2 and B8 uses), a local centre (Use Classes A1-A5, B1a, C2, C3, D1 and D2 uses), a primary school, two early years and childcare facilities, general amenity areas and formal open space including allotments, sports playing fields, landscaping, sustainable drainage measures including landscaped storage basins and SuDs features, vehicle accesses onto the existing highway network and associated infrastructure. Approved 01.12.2016.

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1 **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends refusal as would be an eyesore, resulting in visual clutter, distracting to traffic and due to the confusing application process.	Noted – refer to sections 5.4 and 5.5 of report. It is unclear what is means by ‘the confusing application process’.

### 7.2 **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Highways Officer	No objection, subject to a condition relating to building materials and manoeuvring of vehicles being provided clear of the highway, and an informative.	Noted – refer to section 5.5 of report

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Economic Development	Fully support this proposal which will promote Maldon District as a great place to work, live and enjoy.	Noted

### 7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

## 8. PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 2 years beginning from the date hereof.  
**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.  
**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 4 Any advertisement 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.  
**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.  
**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.
- 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.  
**REASON** This condition is imposed pursuant to Schedule 2 of the Town & Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 The advertisements hereby permitted shall be carried out in accordance with the following approved plans and documents: Site Location Plan ATS/554/18, Block plan ATS/554/19 and elevations/hoarding visuals.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 8 The advertisements hereby permitted shall measure a total linear length of no more than 100m at any one time (measured horizontally at the widest point).  
**REASON** To ensure that the development is carried out in accordance with the details as approved, in the interests of public safety and amenity, in accordance with Policies D1 and D6 of the Maldon District Approved Local Development Plan, and the NPPF.

### **INFORMATIVES**

1. All advertisements must be sited clear of the Highway.



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
14 NOVEMBER 2018**

<b>Application Number</b>	FUL/MAL/18/01078
<b>Location</b>	Avanti Photographics 57 High Street Maldon Essex
<b>Proposal</b>	Reconfigure existing retail space with remainder converted to 2No. Maisonettes and 1No. Studio Flat
<b>Applicant</b>	Salisbury Bright Ideas (Maldon) Ltd
<b>Agent</b>	A R Property Designs
<b>Target Decision Date</b>	19.11.2018
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in – Councillor M R Pearlman on the basis of the Town Council objections and the Conservation Officer's support

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**57 High Street**  
FUL/MAL/18/01078



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### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 57 High Street is a Grade II listed building within the Maldon Conservation Area on the northern side of the High Street around 15m to the west of its junction with Market Hill. The neighbouring properties, 55 and 59 High Street are also Grade II listed buildings.
- 3.1.2 The property is within the Primary Retail Frontage as designated in the Local Development Plan (LDP).
- 3.1.3 The building is currently vacant but was last used for Class A1 (retail) purposes across a total of five floors (including a basement). There is no rear access to the property. The building fills the application site.
- 3.1.4 The proposal is to retain the basement and the majority of the ground floor for Class A1 retail use (total area 64.1sq.m.). An area of the ground floor along with the first, second and third floors of the building would be converted to a total of 3no. one-bedroom residential units.
- 3.1.5 The conversion would involve reconfiguring the internal layout including the removal of sections of walls and new partition walling at ground and first -floor levels, blocking-up existing openings at ground and first-floor levels, the removal of existing staircases and installation of new staircases, the formation of new doorways at ground and first floor levels, along with installation of bathrooms and kitchens. Externally, two roof lights in the rear flat roof would be replaced with a glazed lantern feature, a new roof light would be inserted into the rear flat roof over the stairwell enlargement and three new windows would be inserted into side elevation to serve a stairwell, cloakroom and a living room.
- 3.1.6 The residential units would be accessed via the existing side, shared access. There would be provision for bin and cycle storage within the converted building. A small external terrace (c.3sq.m.) with railing enclosure would be created at first floor level. The sizes of the proposed flats would be as follows: Flat 1 – 46.7sq.m., Flat 2 – 41.1sq.m, Flat 3 – 69.6sq.m.
- 3.1.7 The application is accompanied by a Design and Access Statement and Heritage Asset Statement, bat survey declaration, Supplementary Heritage Asset Statement, and quotes from Lincoln Conservation for the conservation of wallpaper in the stairwell and the first and second floor rooms of 57 High Street.

#### **3.2 Conclusion**

- 3.2.1 The principle of undertaking a mixed residential/retail use development at the site could be supported, the scheme would not cause harm to heritage assets and a refusal of planning permission on the basis of a lack of off-street parking could not be sustained. However, whilst no objection to the proposal is raised on the basis of a lack of private amenity space provision, it is recommended that planning permission is refused due to the poor quality of life which would be provided for the occupiers of the proposed ground/first floor flat proposed. It is considered that there are no matters

which would outweigh this harm including the additional residential units proposed and the opportunity the proposal would provide to record, analyse and conserve the historic finishes of the first and second floors of the building.

#### **4. MAIN RELEVANT POLICIES**

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

##### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 85-90 Ensuring the vitality of town centres
- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places
- 184-192 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D3 Conservation and Heritage Assets
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Essex Design Guide
- Maldon and Heybridge Central Area Masterplan
- Maldon District Design Guide (MDDG)

## **5. MAIN CONSIDERATIONS**

- 5.1 The main issues which require consideration as part of the determination of this application are the principle of the development, the impact of the development on the character and appearance of the area, the impact of the development on heritage assets (Conservation Area and listed buildings), any impact on the amenity of the occupiers of neighbouring properties, the quality of life for the occupiers of the proposed flats, parking and archaeology.

### **5.2 Principle of Development**

- 5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk area, the historic environment, local infrastructure and services, character and appearance, minimising need to travel.
- 5.2.2 Policy S5 states that proposals for retail, office, housing, community, leisure uses and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.2.3 The application site is in a mixed-use area within the Town of Maldon and, therefore, the principle of a mixed-use retail/residential development is not unacceptable in principle, subject to an assessment of the proposal as set out below. It is noted that the proposal would retain a retail use at ground floor and basement levels which is considered to be important to avoid a negative impact on the vitality and viability of the town centre given the location of the site in the heart of the town retail centre (Policy E2). The Economic Development Team have advised that they support the proposal as it would maintain and increase A1 retail space and be meeting an additional residential accommodation need that will contribute to the economic vitality of the High Street. However, there would be a reduction of Class A1 floorspace as a result of the proposal.
- 5.2.4 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two-bedroom units and 40% for three bedroom plus units. It is considered all of the units being one-bedroomed would contribute positively to the identified housing need and be responsive to local circumstances.

### **5.3 Design and Impact on the Character of the Area, Conservation Area and Listed Buildings**

- 5.3.1 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.

5.3.2 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“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, taking into account any local design standards or style guides in plans or supplementary planning documents”.*

5.3.3 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.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.5 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.

5.3.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states

that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.3.7 The Conservation Officer has provided the following, specialist advice:-

*Description of the heritage assets' significance:*

*Many, if not most, of the historic buildings which line Maldon High Street were either built or re-fronted in the Georgian period. These buildings typically present restrained and balanced, classically-themed facades with sash windows and parapets, and they set the dominant tone of the conservation area's architectural character and significance. In striking contrast to this, Nos 57 & 59 are part of a run of buildings erected in the late-19th century in a variety of exuberant and eclectic revivalist styles. These buildings are found on the north side of the High Street between the Moot Hall and the top of Market Hill and they were mostly rebuilt following a devastating fire in 1892. These Victorian buildings are all of high quality designs, materials and detailing. Their varied forms and materials create a lively and interesting townscape and make for a refreshing contrast to the more uniform classical Georgian facades on the opposite side of the road. They – and Nos 57 and 59 in particular – make a very positive contribution to the special character and appearance (or significance) of this part of the conservation area.*

*There is a terracotta plaque on the façade of Nos 57 and 59 bearing the date it was built – 1892 (the same year as the Great Fire) – and the initials of its owner and builder – Leonard Bentall. The façade is largely unaltered, comprising three storeys framed by ornate terracotta pilasters and cornicing, a pair of painted-timber shopfronts on the ground floor flanking a central passageway, red brickwork to the first and second floors, canted oriel windows on the first floor, and sash windows framed by terracotta surrounds on the second floor. The front brickwork retains its original red stopping mortar and the brickwork in the passage has bastard tuck pointing.*

*Internally, No. 57 has been modernised at ground-floor and first-floor level, but it is remarkably unaltered at second-floor and third-floor level. Permission was granted by the Borough Council to add a modest two-storey rear extension in 1902, and the plans for that (reproduced below) shed some light on the original layout of the building. Towards the centre of the ground-floor shop as it is today, there was a staircase which ran right up to the second floor. This staircase has been removed but it aligns with an original flight of stairs which connects the second and third floors.*

*In contrast to the rest of the interior, the second and third floors of No. 57 are a remarkable time-capsule. Here, the main stair passage and two of the adjoining rooms retain an incredible amount of apparently original wall paper and joinery paintwork. The stair passage is the most striking of the spaces, where the wallpaper is of a bold Aesthetic-style design with different patterns above and below a fictive dado rail which follows the angle of the stairs. There is even an original gas light fitting. Although these rooms must have originally been lived in, their unparalleled state of preservation suggests that they were fairly soon abandoned and left to be used for*

*low-key storage. From at least 1894 the building was owned by the Gower family which ran a “stationers and printers” business from the premises until around 1990.*

*In the latter part of the 20th century the rear yard was infilled by a two-storey extension with a flat, felt-covered roof. This is a utilitarian and architecturally bland structure of no significance, but it is fortunately largely hidden from view.*

*Overall, the significance of the listed building derives mainly from its age, ornate late-Victorian design, the special contribution it makes to the architectural character of the streetscene, the very high quality of its materials and detailing, its exceptionally well-preserved façade and second and first-floor interior, and its association with figures of local historical interest.*

*Identification and assessment of the proposal’s likely impact on the asset’s significance:*

*The applicant’s commitment to retain and conserve the historic wallpaper and finishes is highly commendable. However, the interior of the second and third floors needs to be recorded and analysed prior to any work starting on it, and a detailed methodology for the conservation work needs to be submitted for approval prior to commencement. It is disappointing that this information was not submitted with the application, as I had recommended at preapp stage. .... In the absence of this information, it will need to be required by a pre-commencement condition.*

*I do not object the proposed bin stores on the ground floor. The ‘retail bin store’ will be in the zone occupied historically by the original stairs, so will not disrupt an important internal space. The ‘residential bin store’ will involve the loss of some of the structure of the 1902 extension, but as this has already been quite altered consider it to be of low significance.*

*None of the other proposed alterations would result in the loss of any historic important historic fabric or detract from the building’s special character.*

- 5.3.8 Based on the above advice, it is considered that the proposed development would cause no harm to the significance of the listed building or the character and appearance of the Maldon Conservation Area, subject to conditions requiring the recording, analysing and conservation of the historic finishes on the second and third floors, and details of the design and materials to be used for the new external windows and doors, as recommended by the Conservation Officer. The proposed conversion has been designed in such a way as to minimize external alterations to the building and internal works to the original part of the building, as well as to provide an opportunity to record, analyse and conserve the historic finishes on the second and third floors of the building.

## **5.4 Impact on Residential Amenity**

- 5.4.1 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 MDDG (2017).

- 5.4.2 There are no residentially occupied buildings neighbouring the site in which case the proposal would not adversely affect the amenity of the occupiers of existing residential properties by reason of loss of outlook, visual impact, overlooking, loss of daylight and loss of sunlight.

## **5.5 Quality of Life for the Occupiers of the Proposed Flats**

- 5.5.1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.5.2 There would be no external amenity space for the occupiers of the proposed flats except for a small (c3sq.m.) external terrace at first floor level. However, given the number and small size of flats proposed, the town centre location of the site and the availability of public open space within Maldon, it is not considered that an objection to the proposal based on the lack of external amenity space could be sustained in this case. Provision for bin storage would be made.
- 5.5.3 However, the proposed ground floor maisonette (Flat 1), at 46.7sq.m, would be over 11sq.m. below the minimum floorspace recommended in the National Space Standards for a one-bedroom, two storey unit and the first floor flat (Flat 2), at 41.1sq.m., would be almost 9sq.m. below the floorspace recommended. Whilst this local planning authority has not adopted these Standards or other policies or design guidance, this does indicate that the quality of life for the occupiers of, particularly Flat 1, would be poor. Whilst the ground floor living area of Flat 1 would be provided with a high level obscure glazed window, a roof lantern (2.75m x 2.25m) over a double height void and there would be a glazed area onto the proposed terrace (which would also have one side painted white or provided with mirrors to reflect light into the flat), this living area would have no means of outlook. Furthermore, the submitted drawings suggest that the only means of natural light to and outlook from the first-floor bedroom proposed in flat 1 would be a glazed door onto a small, narrow terrace which would be enclosed on three sides.
- 5.5.4 Based on the above, it is considered that the proposal would not provide an adequate quality of life for the occupiers of one of the proposed flats, contrary to Policy D1 of the LDP.

## **5.6 Access, Parking and Highway Safety**

- 5.6.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to include 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.

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.

- 5.6.2 The parking standard for one-bedroom dwellings (a maximum of 1 space) would not be met as no off-street parking is proposed. However, the site is within a sustainable town centre location and it is therefore considered that there can be some flexibility with respect to the amount of provision that is required to be provided, especially as the policies of the local plan seek to encourage the use of sustainable modes of transport and the limited number and size of flats proposed. However, provision for cycle parking would be required to comply with the adopted Standard, as follows: 1 per dwelling (one bed); and, 1 per 8 units (visitors). An area for cycle parking is proposed at ground floor level.
- 5.6.3 Based on the above, no objection is raised to the proposal in terms of access, parking or highway safety.

## **5.7 Other Material Considerations**

- 5.7.1 Essex County Council Archaeology have advised that the upper domestic floors are remarkably unchanged and contain notable survivals of a late Victorian decorative scheme, including wall papers. Such survival is both extremely rare and very fragile. It is, therefore, recommended that a full condition requiring building recording is imposed. Based on this advice, it is considered that the matter of archaeology can be addressed through the imposition of a building recording condition (Policy D3).
- 5.7.2 The bat survey declaration submitted suggests that the proposal would not raise adverse issues with respect to bats.

## **6. ANY RELEVANT SITE HISTORY**

- **LBC/MAL/18/01079** Works associated with reconfiguration of existing retail space and conversion of remainder to 2No. Maisonettes and 1No. Studio Flat. Undetermined to date

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Objects – loss of retail floorspace in the High Street and loss of storage space, lack of external fire exits for residents, proposed bin store a fire hazard, lack of access and concern that alleyway access not compliant with the Crime and Disorder Act 1997	Noted – refer to section 5.2 of report in relation to retail and storage floorspace. The alleyway exists and security measures could be introduced, if necessary. The other matters raised are not material planning considerations in this case.

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Archaeology	No objection subject to a condition requiring the implementation of a historic building recording programme	Noted – refer to section 5.7 of report

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection subject to conditions	Noted – refer to section 5.3 of report
Economic Development	Support: it would maintain and increase A1 retail space and meeting an additional residential accommodation need that will contribute to the economic vitality of the High Street.	Noted – refer to section 5.2 of report.
Environmental Health	Raises concerns that the living room of flat 3 is directly above the sleeping area of flat 2 which could be the cause of complaint of nuisance relating to ‘normal’ domestic noise	Noted but this local planning authority does not have an adopted policy which would support an objection to the proposal on this basis and this matter would be addressed, in any event, through Building Regulations.

## 7.4 Representations received from Interested Parties

- 7.4.1 **One** letter was received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Now unrealistic to expect this building to be significantly used for retail purposes	Noted – refer to section 5.2 of report
Imaginative creation of three much needed small new dwellings which make maximum use of available light, historical details retained and whole building brought back into use thereby ensuring its upkeep for the future	Noted – refer to sections 5.2, 5.3 and 5.5 of report

<b>Supporting Comment</b>	<b>Officer Response</b>
Support given expecting that potential concerns about fire evacuation would be dealt with a building regulation stage	Noted

**8. PROPOSED REASON FOR REFUSAL**

- 1 The proposed ground/first floor maisonette would not provide an adequate quality of life for its occupiers due to a combination of its size, lack of outlook from the living and bedrooms and lack of natural light to the bedroom proposed, contrary to Policy D1 of the Maldon District Approved Local Development Plan and the NPPF.



**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

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**to  
CENTRAL AREA PLANNING COMMITTEE  
14 NOVEMBER 2018**

<b>Application Number</b>	LBC/MAL/18/01079
<b>Location</b>	Avanti Photographics 57 High Street Maldon Essex
<b>Proposal</b>	Works associated with reconfiguration of existing retail space and conversion of remainder to 2No. Maisonettes and 1No. Studio Flat
<b>Applicant</b>	Salisbury Bright Ideas (Maldon) Ltd
<b>Agent</b>	A R Property Designs
<b>Target Decision Date</b>	19.11.2018
<b>Case Officer</b>	Kathryn Mathews
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call-in, Councillor M R Pearlman, of associated application reference <b>FUL/MAL/18/01078</b>

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**57 High Street**  
FUL/MAL/18/01078



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	15/10/2018
	MSA Number:	100018588
<a href="http://www.maldon.gov.uk">www.maldon.gov.uk</a>		

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 57 High Street is a Grade II listed building within the Maldon Conservation Area on the northern side of the High Street around 15m to the west of its junction with Market Hill. The neighbouring properties, 55 and 59 High Street are also Grade II listed buildings.
- 3.1.2 The property is within the Primary Retail Frontage as designated in the Local Development Plan (LDP).
- 3.1.3 The building is currently vacant but was last used for Class A1 (retail) purposes across a total of five floors (including a basement). There is no rear access to the property. The building fills the application site.
- 3.1.4 The proposal is for works associated with the proposed change of use of the property from Class A1 to mixed Class A1 and 3no. one bedroom residential units.
- 3.1.5 The conversion would involve reconfiguring the internal layout including the removal of sections of walls and new partition walling at ground and first -floor levels, blocking-up existing openings at ground and first-floor levels, the removal of existing staircases and installation of new staircases, and the formation of new doorways at ground and first floor levels, along with installation of bathrooms and kitchens. Externally, two roof lights in the rear flat roof would be replaced with a glazed lantern feature, a new roof light would be inserted into the rear flat roof over the stairwell enlargement and three new windows would be inserted into side elevation to serve a stairwell, cloakroom and a living room.
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- 3.1.7 The application is accompanied by a Design and Access Statement and Heritage Asset Statement, bat survey declaration, Supplementary Heritage Asset Statement, and quotes from Lincoln Conservation for the conservation of wallpaper in the stairwell and the first and second floor rooms of 57 High Street.

#### **3.2 Conclusion**

- 3.2.1 The works proposed would not cause harm to the significance of the listed building, subject to the imposition of conditions.

### **4. MAIN RELEVANT POLICIES**

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

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- Maldon and Heybridge Central Area Masterplan
- Maldon District Design Guide (MDDG)

**5. MAIN CONSIDERATIONS**

5.1 The issue which requires consideration as part of the determination of this application is the impact of the proposed works on the listed building.

**5.2 Impact on the Listed Building**

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 seek to create a high quality built environment for all types of development.

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*Many, if not most, of the historic buildings which line Maldon High Street were either built or re-fronted in the Georgian period. These buildings typically present restrained and balanced, classically-themed facades with sash windows and parapets, and they set the dominant tone of the conservation area's architectural character and significance. In striking contrast to this, Nos 57 & 59 are part of a run of buildings erected in the late-19th century in a variety of exuberant and eclectic revivalist styles. These buildings are found on the north side of the High Street between the Moot Hall and the top of Market Hill and they were mostly rebuilt following a devastating fire in 1892. These Victorian buildings are all of high quality designs, materials and detailing. Their varied forms and materials create a lively and interesting townscape and make for a refreshing contrast to the more uniform classical Georgian facades on the opposite side of the road. They – and Nos 57 and 59 in particular – make a very positive contribution to the special character and appearance (or significance) of this part of the conservation area.*

*There is a terracotta plaque on the façade of Nos 57 and 59 bearing the date it was built – 1892 (the same year as the Great Fire) – and the initials of its owner and builder – Leonard Bentall. The façade is largely unaltered, comprising three storeys framed by ornate terracotta pilasters and cornicing, a pair of painted-timber shopfronts on the ground floor flanking a central passageway, red brickwork to the first and second floors, canted oriel windows on the first floor, and sash windows framed by terracotta surrounds on the second floor. The front brickwork retains its original red stopping mortar and the brickwork in the passage has bastard tuck pointing.*

*Internally, No. 57 has been modernised at ground-floor and first-floor level, but it is remarkably unaltered at second-floor and third-floor level. Permission was granted by the Borough Council to add a modest two-storey rear extension in 1902, and the plans for that (reproduced below) shed some light on the original layout of the building. Towards the centre of the ground-floor shop as it is today, there was a staircase which ran right up to the second floor. This staircase has been removed but it aligns with an original flight of stairs which connects the second and third floors.*

*In contrast to the rest of the interior, the second and third floors of No. 57 are a remarkable time-capsule. Here, the main stair passage and two of the adjoining rooms retain an incredible amount of apparently original wall paper and joinery paintwork. The stair passage is the most striking of the spaces, where the wallpaper is of a bold Aesthetic-style design with different patterns above and below a fictive dado rail which follows the angle of the stairs. There is even an original gas light fitting. Although these rooms must have originally been lived in, their unparalleled state of preservation suggests that they were fairly soon abandoned and left to be used for low-key storage. From at least 1894 the building was owned by the Gower family which ran a “stationers and printers” business from the premises until around 1990.*

*In the latter part of the 20th century the rear yard was infilled by a two-storey extension with a flat, felt-covered roof. This is a utilitarian and architecturally bland structure of no significance, but it is fortunately largely hidden from view.*

*Overall, the significance of the listed building derives mainly from its age, ornate late-Victorian design, the special contribution it makes to the architectural character of the streetscene, the very high quality of its materials and detailing, its exceptionally well-preserved façade and second and first-floor interior, and its association with figures of local historical interest.*

*Identification and assessment of the proposal's likely impact on the asset's significance:*

*The applicant's commitment to retain and conserve the historic wallpaper and finishes is highly commendable. However, the interior of the second and third floors needs to be recorded and analysed prior to any work starting on it, and a detailed methodology for the conservation work needs to be submitted for approval prior to commencement. It is disappointing that this information was not submitted with the application, as I had recommended at preapp stage. .... In the absence of this information, it will need to be required by a pre-commencement condition.*

*I do not object the proposed bin stores on the ground floor. The 'retail bin store' will be in the zone occupied historically by the original stairs, so will not disrupt an important internal space. The 'residential bin store' will involve the loss of some of the structure of the 1902 extension, but as this has already been quite altered I consider it to be of low significance.*

*None of the other proposed alterations would result in the loss of any historic important historic fabric or detract from the building's special character.*

- 5.2.8 Based on the above advice, it is considered that the proposed development would cause no harm to the significance of the listed building, subject to conditions requiring the recording, analysing and conservation of the historic finishes on the second and third floors, and details of the design and materials to be used for the new external windows and doors, as recommended by the Conservation Officer.
- 5.2.9 Essex County Council Archaeology advised that the upper domestic floors are remarkably unchanged and contain notable survivals of a late Victorian decorative scheme, including wall papers. Such survival is both extremely rare and very fragile. They also recommend that a full condition requiring building recording is imposed.
- 5.2.10 The proposed conversion has been designed in such a way as to minimize external alterations to the building and internal works to the original part of the building, as well as to provide an opportunity to record, analyse and conserve the historic finishes on the second and third floors of the building.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/18/01079** Reconfigure existing retail space with remainder converted to 2No. Maisonettes and 1No. Studio Flat. Undetermined to date

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Objects – loss of retail floorspace in the High Street and loss of storage space, lack of external fire exits for residents, proposed bin store a fire hazard, lack of access and concern that alleyway access not compliant with the Crime and Disorder Act 1997	Noted –matters raised are not material to the determination of an application for listed building consent, and are dealt with as part of the associated FUL/MAL/18/01078

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Essex County Council Archaeology	No objection subject to a condition requiring the implementation of a historic building recording programme	Noted – refer to section 5.2 of report

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Conservation Officer	No objection subject to conditions	Noted – refer to section 5.2 of report

## 7.4 Representations received from Interested Parties

7.4.1 No letters of representation received.

## 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 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: L1, 01, 02 revA, location plan, SK05  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 No works shall take place until a report by a conservator has been submitted to and approved in writing by the local planning authority. The report shall including the recording and analysing of the historic finishes on the second

and third floors of the building and a methodology for their conservation. The works shall be carried-out in accordance with the approved details.

**REASON** In the interest of the integrity of the listed building, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

- 4 No works shall take place until large-scale drawings of all new windows and doors – illustrating elevations at 1:20, section details (including of glazing bars) at 1:2 and materials - have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

**REASON** In the interest of the integrity of the listed building, in accordance with policies D1 and D3 of the approved LDP and guidance contained within the NPPF.

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**REPORT of  
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**  
**to**  
**CENTRAL AREA PLANNING COMMITTEE**  
**14 NOVEMBER 2018**

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<b>Application Number</b>	<b>HOUSE/MAL/18/01089</b>
<b>Location</b>	57 Mariners Way, Maldon
<b>Proposal</b>	Variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). Amendment: Use of cladding.
<b>Applicant</b>	Mr David Brandon
<b>Agent</b>	N/A
<b>Target Decision Date</b>	12/11/2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>MALDON SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Mrs B D Harker Reason: Public interest

**1.     RECOMMENDATION**


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

**2.     SITE MAP**

Please see overleaf.

**57 Mariners Way, Maldon**  
18/01089/HOUSE



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	<b>Organisation:</b> Maldon District Council	<b>Comments:</b> 14/10/2018
	<b>Department:</b> Department	<b>Date:</b> 22/10/2018
	<b>MSA Number:</b> 100018588	

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located north of Mariners Way, within the settlement boundary of Maldon. The site is occupied by a two storey end of terrace dwelling. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 Planning permission is sought for the variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). It is proposed to amend the materials, in order to use cladding.
- 3.1.3 The proposed extension has brick at ground floor level and will have grey Marley board cladding at first floor level.
- 3.1.4 It is noted that the development has begun and therefore this application is partially retrospective in nature, although the cladding had not been installed at the time of undertaking a site visit.
- 3.1.5 It is noted that a side extension was approved under HOUSE/MAL/18/00450. A condition was included to ensure the use of brick, to match the existing dwelling, as the use of cladding was considered to be out of keeping with the streetscene.

#### **3.2 Conclusion**

- 3.2.1 The proposal is not considered to detrimentally impact on the residential amenity of neighbouring occupiers, parking provision or private amenity space. However, it is considered that the use of cladding would cause detrimental harm to the visual amenity of the site and surrounding area, as the proposed cladding is not in keeping with the streetscene. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework. It is noted that refusing this application would not prevent the applicant from undertaking the previously approved development, using materials to match the existing dwelling.

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2018 including paragraphs:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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

- D1 Design Quality and Built Environment
- 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 (MDDG)

### **5. MAIN CONSIDERATIONS**

#### **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.
- 5.2.2 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 creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

*“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, taking into account local design standards, style guides in plans or supplementary planning documents”.*

- 5.2.3 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:
- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
  - b) Height, size, scale, form, massing and proportion;
  - c) Landscape setting, townscape setting and skylines;
  - d) Layout, orientation, and density;
  - e) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.5 This application has the fallback position of the previously approved application of HOUSE/MAL/18/00450, which allows for a development of identical size, but a condition of which requires the use of materials that match the host dwelling.
- 5.2.6 The amendment relates to the use of grey Marley board cladding. It will be located at first floor level on the side extension, to the front, rear and side elevations.
- 5.2.7 The use of cladding was prevented by a condition on the previous permission because it was not considered to be prevalent in the streetscene. It has been noted that there are some dwellings with cladding along the immediate stretch of Mariners Way near the application site. This cladding is predominantly of a smaller scale, located on small dormer windows. It is noted that there are dwellings in the wider area with coloured plastic cladding. However there is no planning history to suggest any of the cladding located along Mariners Way benefits from planning permission and therefore this is given little weight in the assessment of this application.
- 5.2.8 It is consequently considered that the proposed amendments to the materials, due to the amount that the contrasting materials is to be used, will detrimentally impact on the visual amenity of the site and surrounding area and therefore the proposal to undertake the development without complying with the previously imposed conditions is considered to be contrary to this aspect of policy D1 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 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 MDDG (2017).

- 5.3.2 The amendment to the materials do not impact on the residential amenity of neighbouring occupiers and therefore the proposal would be in accordance with this aspect of policy D1 of the LDP.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the 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 The amendment to the materials does not impact on parking or highway safety and therefore the proposal is in accordance 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 100 square metres.
- 5.5.2 The proposed amendment to the materials does not impact on private amenity space and therefore there is no objection in relation to provision of private amenity space.

### **6. ANY RELEVANT SITE HISTORY**

- 6.1 The relevant site history is set out below:

- **FUL/MAL/94/00145** – Residential development – Approved
- **HOUSE/MAL/18/00450** – Two storey side extension – Approved

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

#### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Maldon Town Council	Recommends approval	Comments noted

#### **7.2 Representations received from Interested Parties**

- 7.2.1 5 Letters of support have been received for this application:

<b>Supporting Comment</b>	<b>Officer Response</b>
<p>Cladding enhances the overall appearance of the house and is low maintenance.</p> <p>Support the use of cladding.</p> <p>Cedral cladding is low maintenance which adds character and is an aesthetically pleasing addition.</p> <p>No objections to the use of cladding were received in the previous application, but a condition regarding the use of brick was included anyway.</p> <p>The cladding shows a distinction between the original house design and the later extension.</p> <p>The use of cladding is in keeping with other properties.</p>	<p>Its ease of use/maintenance is not a material planning consideration.</p> <p>The design and impact of the cladding is assessed regardless of whether objections are received and it was considered to be out of keeping with the area.</p> <p>There is no evidence to suggest the properties with cladding benefit from planning permission and therefore this will be given little weight in this assessment. See section 5.2.</p>

7.2.2 1 Letter of objection has been received for this application:

<b>Objecting Comment</b>	<b>Officer Response</b>
<p>Depending on the colour, the cladding may look harsh or out of place.</p> <p>Bricks would have blended with the house much better.</p>	<p>The application form states the cladding will be CO5 Grey Marley Board cladding.</p>

## 8. **REASON FOR REFUSAL**

1. The proposed cladding is considered to be an incongruous feature which would be out of keeping with the character and appearance of the streetscene. The proposal to undertake the development without complying with the conditions of the previous permission is therefore contrary to policy D1 of the Maldon District Local Development Plan and guidance contained within the NPPF.

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