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APOLOGIES Committee Services
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Council Chamber 01621 859677

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

12 February 2019

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 20 FEBRUARY 2019 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 20 FEBRUARY 2019

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 16)

To confirm the Minutes of the meeting of the Committee held on 23 January 2019, (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. **LBC/MAL/17/00763 & FUL/MAL/17/00764 - The Friary, Carmelite Way, Maldon, Essex** (Pages 17 - 48)

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

6. **FUL/MAL/18/01264 - Madison Heights, Park Drive, Maldon** (Pages 49 - 58)

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

7. **FUL/MAL/18/01457 - Unit 4, Promenade Park, Park Drive, Maldon** (Pages 59 - 70)

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

8. **ADV/MAL/18/01473 - The Promenade Park, Maldon** (Pages 71 - 80)

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

9. **HOUSE/MAL/18/01503 - Beacon House, 36 Acacia Drive, Maldon** (Pages 81 - 90)

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

10. **FUL/MAL/18/01516 - Land rear of 63 High Street, Maldon, Essex** (Pages 91 - 100)

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

11. **TPO 12/18 - Unity, Tenterfield Road, Maldon** (Pages 101 - 108)

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

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

Reports for noting:

In accordance with the 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 – 10.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

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

Fire

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

Health and Safety

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

Closed-Circuit Television (CCTV)

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

BACKGROUND PAPERS

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

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

Development Plans

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

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 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) - 2018
- Planning Practice Guidance (PPG)
- Planning policy for Traveller Sites - 2015
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

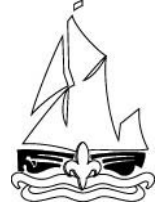
ii) Essex County Council

- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide – 2018)
- Essex and Southend on Sea Waste Local Plan 2017
- Essex Minerals Local Plan 2014

iii) Maldon District Council

- Five Year Housing Land Supply Statement 2017 / 18
- Maldon District Design Guide - 2017
- Maldon and Heybridge Central Area Masterplan – 2017
- 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 (adapted as SPD 2018)
- Vehicle Parking Standards Supplementary Planning Document (SPD) - 2018
- Renewable and low Carbon Technologies SPD – 2018
- Maldon District Specialist Housing SPD – 2018
- Affordable Housing and Viability SPD - 2018
- 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 SPD - 2010
- Heybridge Basin Village Design Statement – 2007
- Wickham Bishops Village Design Statement – 2011
- Woodham Walter Village Design Statement – 2011
- Althorne Village Design Statement
- Woodham Walter Village Design Statement
- 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
23 JANUARY 2019**

PRESENT

Chairman	Councillor B E Harker
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 and Rev. A E J Shrimpton
Ex-Officio Non- Voting Member	Councillor Mrs P A Channer, CC
In Attendance	Councillor H M Bass

763. CHAIRMAN'S NOTICES

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

764. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Miss M R Lewis.

765. MINUTES OF THE LAST MEETING

RESOLVED that the minutes from the meeting of this Committee held on 12 December 2018 be approved and confirmed.

766. DISCLOSURE OF INTEREST

Councillor S J Savage declared a no-pecuniary interest in Agenda Item 7, FUL/MAL/18/01365 – South Embankment, Northey Island, Maldon, as a Member of the Blackwater Estuary Siltation Steering Group as a Maldon Town Councillor and a customer of Essex and Suffolk Water.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 6, FUL/MAL/18/01293 – Car Park, Butt Lane, Maldon, Essex as the land is owned by Maldon District Council.

Councillor Mrs P A Channer, CC, declared a non-pecuniary interest as a member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily; in addition to the saltmarsh.

**767. FUL/MAL/18/01032 - UNITS AT BENTALLS INDUSTRIAL COMPLEX,
COLCHESTER ROAD, HEYBRIDGE, ESSEX, CM9 4NW**

Application Number	FUL/MAL/18/01032
Location	Units At Bentalls Industrial Complex Colchester Road Heybridge Essex CM9 4NW
Proposal	Section 73A application for the change of use to storage and distribution (Use Class B8).
Applicant	Mr A Gunn
Agent	Mrs C Legg - Smart Planning Ltd
Target Decision Date	11.01.2019 E.o.T. 25 January 2019
Case Officer	Spyros Mouratidis
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Major Application Not Delegated to Officers

The Committee received the Officer's presentation, after which the Agent, Russell Ford from Smart Planning Ltd, addressed the Committee.

The Chairman drew the Committee's attention to the Members' Update which detailed amendments to conditions 4, 8, and 9 of the Officer's report.

A brief discussion ensued in which Members noted that the site had been neglected for an extended period of time and welcomed the jobs that the potential development would bring to the area. Members were advised by the Chairman that concerns over the revival of historic notice complaints at the site would be mitigated by the loading bay being situated inside the building and accessed at the rear of the site.

The Chairman put the Officer's recommendation of approval 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 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order), premises shall only be used for purposes falling within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended (or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order) and for no other purpose.
- 2 The use of the premises shall only operate between 07:00 hours and 19:00 hours Mondays to Fridays, 08:00 hours and 13:00 on Saturdays and at no time on Sundays, Bank and Public Holidays.
- 3 No machinery shall be operated nor shall any process be carried out and no deliveries or collections undertaken at the site other than between 07:00 hours and 19:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
- 4 No process loading or unloading shall be undertaken outside the buildings.
- 5 No extraction or ventilation equipment, vents, air conditioning units or similar plant equipment shall be installed or fitted to any external part of the buildings except in accordance with a scheme to be submitted to and approved in writing

by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

6 No items shall be stored outside of the buildings.

7 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within three months of the date of this decision a scheme, including a timetable for its implementation, to assess, establish and rank the noise sources associated with the operation hereby permitted and to evaluate Page 32 Agenda Item no. 5 the Applicant's preferred mitigation measures as to whether they are appropriate for the established noise sources, carried out by a suitably competent person, shall have been submitted for the written approval of the local planning authority; or
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
- iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

8 The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within three months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-

- i. within three months of the date of this decision a scheme, including a timetable for its implementation, to provide at least 12 covered and secure cycle parking spaces within the Application Site shall have been submitted for the written approval of the local planning authority; or
- ii. if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- iii. if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State;
- iv. the approved scheme shall have been carried out and completed in accordance with the approved details and timetable.

9 The submitted Flood Warning and Evacuation Plan prepared by Smart Planning with reference 18.5388 shall be available at all time on the premises and its conclusions shall be adhered to in perpetuity.

768. FUL/MAL/18/01293 - CAR PARK, BUTT LANE, MALDON

Application Number	FUL/MAL/18/01293
Location	Car park Butt Lane Maldon
Proposal	Change the use of part of the car park to a weekly retail market on Thursdays and Saturdays on a permanent basis. Operational times, including set up and removal 06:30-17:30.
Applicant	Maldon District Council – Richard Holmes
Agent	None
Target Decision Date	28/01/19
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Council application Council Owned Land

The Officer presented their report to the Committee.

Councillors M R Pearlman and Rev. A E J Shrimpton voiced their support for the application.

Councillor Mrs B D Harker declared that she was the Chairman for the Market Working Group of which Councillor Mrs N G F Shaughnessy was also a member.

Councillor Pearlman proposed that the application be approved in accordance with the Officer's recommendation and this was duly seconded.

A discussion ensued in which Members expressed their support for the Market. Concerns were raised over the loss of parking spaces to accommodate the stall holders, the indefinite timeframe of the application and whether exclusion of spaces for use by stalls would have an adverse impact on the income generated for the Council through the use of the car park.

Concern was raised at the permanence of the application and the operation of the Market. The Group Manager Planning Services advised the Committee that conditions that needed to respond to the number of stalls would be difficult to enforce under planning laws. These were more operational matters that were ultra vires to this Committee as they were not material planning considerations.

Councillor A T Cain wanted it minuted that initially it would end up with a few stalls taking up numerous parking spaces resulting in a loss of income for the Council.

Councillor M S Heard suggested that a two year trial period was considered and Members discussed whether the application offered security and permanence for the stall holders. The Group Manager Planning Services advised the Committee that this application followed previous temporary permissions at the site.

The Chairman put the Officer's recommendation of approval 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 carried out in complete accordance with the approved Location Plan specifically referenced on this decision notice as well as the submitted detailed specifications.
2. The Maldon retail market hereby permitted shall operate only between the hours 06:30 to 17:30 on Thursdays and/or Saturdays only with no setting up of any stall prior to 06:30. All stalls and related equipment shall be removed from the site prior to 17:30 hours on each day.
3. There shall be no amplified sound used within the site edged in red on the Location Plan.

769. FUL/MAL/18/01365 - SOUTH EMBANKMENT, NORTHEY ISLAND, MALDON, ESSEX

Application Number	FUL/MAL/18/01365
Location	South Embankment Northey Island Maldon
Proposal	Removal of concrete blocks facing embankment. Infilling of borrow ditch and lowering of embankment to allow saltmarsh habitat creation behind (0.15ha). Construction of closing bank to prevent flooding to adjacent field to east. Repair to section of embankment to west.
Applicant	Mrs Nina Crabb - The National Trust
Agent	Mrs Nina Crabb - The National Trust
Target Decision Date	12/02/19
Case Officer	Kathryn Mathews
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Major application Member call-in by Councillor Miss Miriam R Lewis in the public interest - particularly concerned about the conflict with our SMP and the adopted "hold the line" position. Member call-in by Councillor Mrs Brenda D Harker in the public interest. Member call-in by Councillor Stephen J Savage at the request of Maldon Town Council and public interest.

Councillor Mrs P A Channer advised that she was a Member of the National Trust.

The Officer presented their report to the Committee. The Chairman then drew the attention of the Committee to the Members' Update which provided a response from Essex and Suffolk Water, points raised by an interested party objecting to the application, and an amendment to the pre-commencement and proposed conditions of the application.

Councillor S J Savage spoke at length in objection to the application; raising concerns he had received from the electorate and opining the detrimental impact removal that this

breakwater could have to the surrounding area and stated that the application would be in breach of policies D1, S1, N1, N2 and N3.

Councillor S J Savage proposed that the application be refused, contrary to the Officer's recommendation and for the aforementioned reasons. This was duly seconded.

Members of the Committee stated that this eastern breakwater was important to the harbour, and sought clarification over the potential impact the application could have on the surrounding area. Disappointment was expressed that the National Trust was not available to address the concerns of Members and the Group Manager Planning Services directed the Committee to the Officer's report for answers.

In response to the Committee's concerns over whether the application was compliant with the Shoreline Management Plan (SMP) or the Council's 'Hold the Line' policy, the Group Manager Planning Services advised the Committee that 'Hold the Line' is a Council policy and that the application was in response to the Environment Agencies decision to no longer fund the flood defences and that this was a material consideration in the determination of this application.

A discussion ensued where it was agreed that Members would prefer the site to be managed yet acknowledged that a breach would be inevitable in the long term.

The Chairman put Councillor S J Savage's proposal of refusal to the Committee, and following a vote the motion failed.

The Chairman put the Officer's recommendation of approval 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 accordance with the following approved plans and documents: Location plan; Block plan; PB7778-1001 rev.P3; PB7778-1002 rev.P1; PB7778-1005 rev.P1; PB7778- 1011rev.P1; PB7778-1010revP1 and the mitigation measures in the supporting documents: Contamination Risk Assessment 12 June 2018, Water Framework Directive Compliance Assessment 12 June 2018, Extended Phase 1 Ecological Assessment October 2015 and Extended Phase 1 Habitat Survey 25 June 2018.
- 3 No works shall take place until a Flood Warning and Evacuation Plan has been fully implemented in accordance with details which shall have been submitted to and gained the prior written approval of the local planning authority.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site has been submitted to and approved in writing by the local planning authority. Such archaeological assessment will inform the implementation of a programme of archaeological work.
- 5 No development of any kind shall take place within the site until the implementation of a programme of archaeological recording from an accredited archaeologist has been secured in accordance with a written scheme of investigation which has been submitted to and gained the prior written

approval of the local planning authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

- 6 Other than temporary fencing during the construction period, no new fencing or other means of enclosure shall be erected within the site unless details of the location, height, materials and design of the fencing has been submitted to and gained the prior written consent of the local planning authority. The development shall be completed in accordance with the approved details.
- 7 No floodlighting or other external form of illumination of the site shall be undertaken, during construction or operation, without the express consent of the local planning authority.
- 8 No construction works shall be carried out during the months of October to March (inclusive) unless details of the works, along with any necessary measures to mitigate the impact of the works on the internationally and nationally designated sites (SPA, Ramsar and SSSI), have been submitted to and gained the prior approval in writing of the local planning authority. The work shall be completed in accordance with the approved details.
- 9 No development including any site clearance or groundworks of any kind shall take place until an up-to-date version of the Construction Environmental Management Plan 28 June 2018 has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved Plan.

There being no further items of business the Chairman closed the meeting at 8.20 pm.

B E HARKER
CHAIRMAN

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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	FUL/MAL/17/00763
Location	The Friary Carmelite Way Maldon Essex
Proposal	Residential redevelopment for 28 dwellings comprising conversion of listed building to 7 apartments, demolition of unsympathetic 1960s extension and replacement with 2 townhouses, construction of new build development within the grounds to the south comprising 19 apartments, hard and soft landscaping and associated parking and infrastructure.
Applicant	Mr Derek Ford – Essex Housing, Essex County Council
Agent	Mr Steven Butler – Bidwells
Target Decision Date	31 October 2017
Case Officer	Yee Cheung
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Level of Public Participation

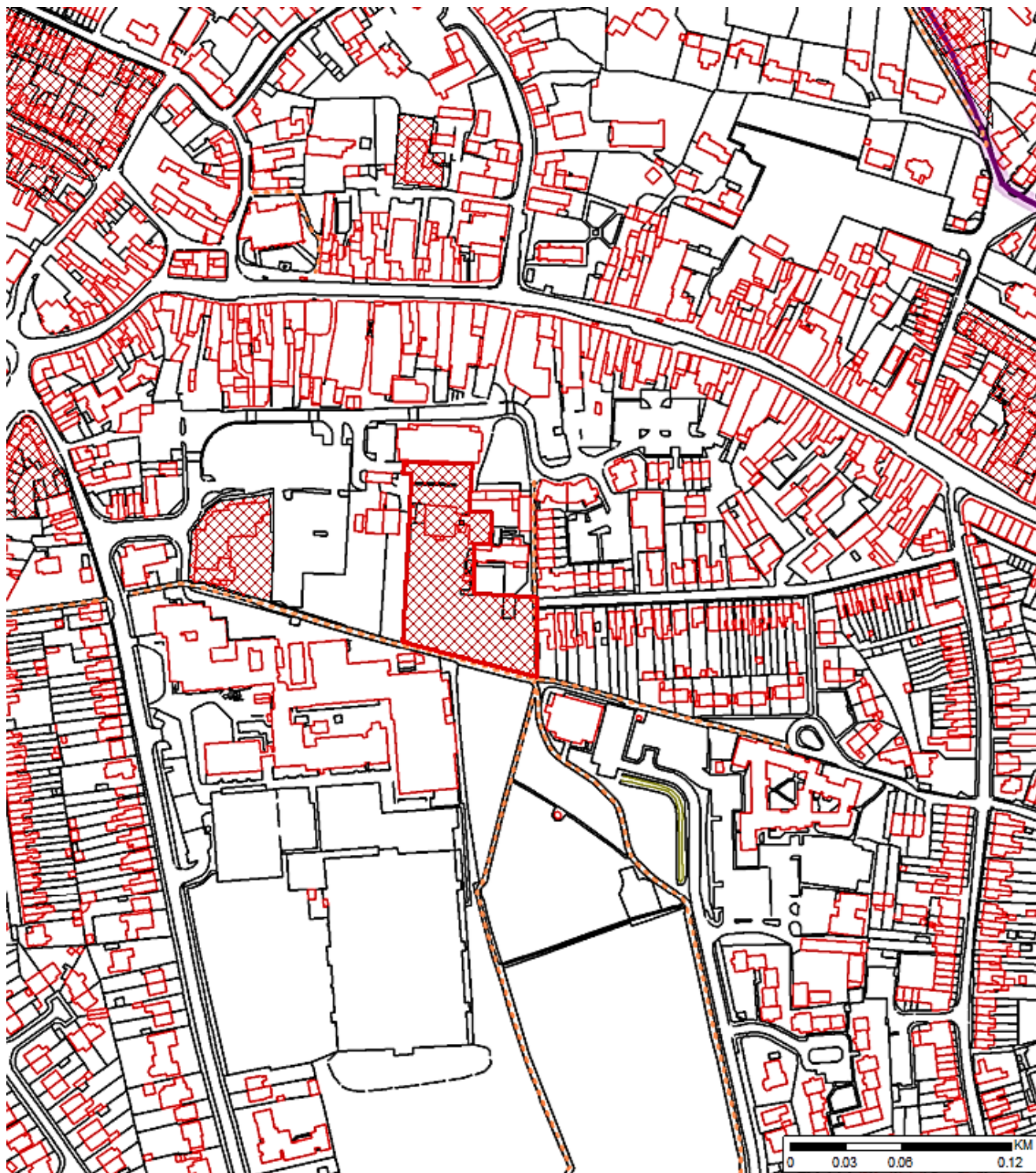
Application Number	LBC/MAL/17/00764
Location	The Friary Carmelite Way Maldon Essex
Proposal	Residential redevelopment for 28 dwellings comprising conversion of listed building to 7 apartments, demolition of unsympathetic 1960s extension and replacement with 2 townhouses, construction of new build development within the grounds to the south comprising 19 apartments, hard and soft landscaping and associated parking and infrastructure.
Applicant	Mr Derek Ford – Essex County Council Housing
Agent	Mr Steven Butler – Bidwells
Target Decision Date	26 September 2017
Case Officer	Yee Cheung
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	This Listed Building Consent has been called in by Councillor B E Harker on the grounds of public interests

1. **RECOMMENDATION**

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

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

2. SITE MAP



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Maldon District Council 100018588 2014



www.maldon.gov.uk

Scale: 1:3,000

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 08/01/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the south of White Horse Lane within the centre of Maldon. The site is occupied by a Grade II Listed Building known as Friary East. Friary East was a private residence until it was purchased by Essex County Council in 1946. An extension on the eastern side was built in the 1960s which is used by the Adult Education Services. Friary East was listed in 1971. To the south east of the 1960s extension, a further building (now a pre-school) was constructed in the 1990s.
- 3.1.2 The site is bounded to the north by the Maldon Library. To the west, a listed brick wall which separates Friary East and Friary West. To the east and south eastern corner of the site it is bounded by a historic wall separating its garden and Chequers Lane, as well as the pre-school and the Adult Education Services building. To the south of the site are mature trees and hedges which partially screens the application site. This planting is held back by a high chain linked fence which has been erected on the southern boundary of the site. Beyond the site to the south is a public footpath and cycle path, The Plume Secondary School and the local playing field.
- 3.1.3 Access to the application site is via White Horse Lane and Carmelite Way to the north west of the site.
- 3.1.4 Based on the plans submitted, the proposal seeks the following:-
- Residential redevelopment for 28 dwellings including the conversion of the listed building to 7 apartments,
 - To demolish an unsympathetic 1960s extension and replace it with 2 townhouses,
 - To construct two buildings within the grounds to the south comprising 19 apartments, and
 - Hard and soft landscaping and associated parking and infrastructure.
- 3.1.5 In the original submission, the applicant proposed 30 dwellings including 1, 2 and 3 bedroomed units. The scheme was split into three distinct parcels comprising the conversion of Friary East to 9 flats and a new build development of 2 units to the east on the land occupied by the unsympathetic 1960s extension; this is referred to as “F1” by the Applicant throughout the submission. Seven affordable housing units would have been accommodated within a new-build block “F2”, located to the south of Friary East. 12 further units would have been in new-build block “F3”, located to the east of F2.
- 3.1.6 Through the process of the planning application and Listed Building Consent, the scheme has since been amended to 28 dwellings. Two units have been removed from the existing listed building Friary East reducing the number of units from 9 units to 7 and the quantum of development therefore has been reduced from 30 dwellings to 28 dwellings. No changes have been made to Blocks F2 and F3. From the submission, it is understood that one of the units in Block F2 will be ‘communal’ and be occupied by a person who will be on duty to assist the occupiers of the building.

Block	Dwelling Number	No. of Bedrooms	Tenure
F1 (Friary East and Town Houses)			
	FO 1	2 bed / 4 persons	Private
	FO 2	2 bed / 3 persons	Private
	FO 3	1 bed / 2 persons	Private
	FO 4	1 bed / 2 persons	Private
	FO 5	2 bed / 4 persons	Private
	FO 6	1 bed / 2 persons	Private
	FO 7	2 bed / 4 persons	Private
	FO 11 (town house)	3 bed / 6 persons	Private
	FO 12 (town house)	3 bed / 6 persons	Private
F2 (Comprising 7 units)			
	F.21	1 bed / 2 persons	Affordable
	F.22	1 bed / 2 persons	Affordable
	F.23	1 bed / 2 persons	Affordable
	F.24	1 bed / 2 persons	Affordable
	F.25	1 bed / 2 persons	Affordable
	F.26	1 bed / 2 persons	Affordable
Not numbered on Drawing No: 4197 PL 15 Revision B This unit is numbered as F.27 in the submitted Unit Schedule by the Applicant	Unit 7 - (Ground Floor) It is proposed that this unit is communal and to be occupied by the person who is on duty	1 bed / 2 persons	Affordable
F3 (Comprising 12 units)			
	F.31	2 bed / 4 persons	Private
	F.32	2 bed / 4 persons	Private
	F.33	2 bed / 4 persons	Private
	F.34	1 bed / 2 persons	Private
	F.35	2 bed / 4 persons	Private
	F.36	2 bed / 4 persons	Private
	F.37	2 bed / 4 persons	Private
	F.38	1 bed / 2 persons	Private
	F.39	2 bed / 4 persons	Private
	F.310	2 bed / 4 persons	Private
	F.311	2 bed / 4 persons	Private
	F.312	1 bed / 2 persons	Private

	Total	No. of Units
	1 beds	13
	2 beds	13
	3 beds	2
Total of Units		28

3.2 Conclusion

- 3.2.1 It is considered that the proposal would conflict with policies S1, D1, D3, H1, H3 and H4 of the Maldon District Local Development Plan (MDLDP) and as such should be refused unless material planning considerations indicate otherwise. The harm identified in reaching this opinion relates to the impact of the development on the character and appearance of the site, the Conservation Area and the setting of the listed building. It is considered that inadequate amenity space could be provided along with inadequate parking which would be served by a poorly formed access that might impact upon pedestrian and vehicular safety within the site.
- 3.2.2 Furthermore, no legal agreement has been submitted with regard to affordable housing and as such the proposal would contravene the aims of Policy H1 of the LDP and in this context the social benefits of the proposed development are reduced.
- 3.2.3 It is noted that the proposal does provide a few benefits that weigh in favour of the development. Social benefits would include the provision of small 1 and 2 bed units in accordance with Policy H2 which are welcomed in the District and the creation of jobs during the conversion of Friary East and the construction of the dwellings to the rear of the site. Further, the future occupiers of the site would be able to support the local services and facilities in Maldon Town in the long term.
- 3.2.4 Having weighed all the above matters in the balance and taking into account the development's harmful effect on the character and appearance of the site, its impact on the conservation area and the listed building, it is considered that the benefits arising from the development would not outweigh the harm caused. The proposal would therefore be contrary to Policies S1, S8, D1, D3 and H4 of the LDP and Government advice contained in the National Planning Policy Framework (NPPF).
- 3.2.5 It is considered that the proposed development would be of detriment to the setting of the listed building and although the demolition of part of the existing buildings is acceptable, it is considered that the proposal is unacceptable overall as there is not an acceptable scheme for the replacement of the existing structures and this would therefore leave a void area that could detract from the existing building. The proposal is therefore contrary to policy D3 of the MDLDP and it is recommended that the application for listed building consent is also refused.
- 3.2.6 Therefore, the development proposal, for the reasons as set out in the officer report, is considered to be contrary to the requirements on the MDLDP and Government guidance contained within the NPPF and the National Planning Policy Guidance (NPPG). It is recommended that the application for planning permission is refused.

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:

- 7-11 Achieving sustainable development
- 34 Development contributions
- 38 Decision-making
- 39-46 Pre-application engagement and front-loading
- 47-50 Determining applications
- 59-66 Delivering a sufficient supply of homes
- 73-74 Maintaining supply and delivery
- 91-95 Promoting healthy and safe communities
- 102-107 Promoting sustainable transport
- 122-123 Achieving appropriate densities
- 124-130 Achieving well-designed places
- 184-201 Conserving and enhancing the historic environment

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

- Policy S1 Sustainable Development
- Policy S2 Strategic Growth
- Policy S4 Maldon and Heybridge Strategic Growth
- Policy S5 Maldon and Heybridge Central Area
- Policy S8 Settlement Boundaries and the Countryside
- Policy D1 Design Quality and Built Environment
- Policy D2 Climate Change & Environmental Impact of New Development
- Policy D3 Conservation and Heritage Assets
- Policy E3 Community Services and Facilities
- Policy E6 Skills, Training and Education
- Policy H1 Affordable Housing
- Policy H2 Housing Mix
- Policy H4 Effective Use of Land
- Policy N2 Natural Environment and Biodiversity
- Policy T1 Sustainable Transport
- Policy T2 Accessibility
- Policy I1 Infrastructure and Services

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is now in a position where it can demonstrate an up to date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three overarching objectives to sustainable development as defined in the NPPF. They are the economic, social and environmental objectives. The Local Development Plan (LDP) through the preamble to Policy S1 reiterates the requirements of the NPPF.
- 5.1.3 The application site is located within the defined settlement boundary of Maldon as defined by the Local Development Plan. Policy S8 is the strategic policy that would apply to this site, allowing development to be directed to sites within settlement boundaries to prevent urban sprawl beyond existing settlements and to protect the District's landscape. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed in the report below. These material considerations would include the design of development, the provision of affordable housing, the impact of the development on the character and appearance of the conservation area, the impact on the listed building, and the amenity of the neighbouring residential properties.

5.2 Housing Mix

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 61 of the NPPF where it requires local authorities *'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals'* and to plan for houses needed including *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)'*.
- 5.2.2 The proposal would provide 13 x 1 bed units, 13 x 2 bed units, and 2 x 3 bed units (town houses) within the site. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. Policy H2 of the LDP encourages 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.

- 5.2.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal provides 28 dwellings and comprises a mix of 1, 2 and 3 bedroom properties. 26 of the units would be 1 and 2 bedroom units whilst the remaining 2 units would be three bedroom townhouses. As 26 units proposed would have 1 and 2 bedrooms, it is considered that the proposal would meet the needs and demand identified in the SHMA and policy H2 of the LDP in terms of housing mix. This attracts some weight in the planning balance of the application.

5.3 Affordable Housing Provision

- 5.3.1 Policy H1 of the Local Development Plan states that all housing developments of more than 10 units or 1,000sqm will be expected to contribute towards affordable housing provision to meet the identified need in the locality and address the Council's strategic objectives on affordable housing. The application site falls under the sub-area of 'Maldon Central and South' and therefore the requirement for affordable housing contribution would be 40%.
- 5.3.2 The Applicant proposes to deliver specialist housing as part of their wider Essex Housing remit on part of the site in the form of 7 Learning Disabled units. The application site proposes 28 dwellings in total. This triggers the requirement for affordable housing under Policy H1 of the MDLDP 2014-2029. The required affordable housing mix based on the recommendations of the Maldon District Council Strategic Housing Market Assessment 2014 is as follows:-
- 80% smaller – 35% 1 bed & 45% 2 bed
 - 20% larger – 3 bed, 4 bed as required
 - 20% of all smaller affordable should be suited to meet needs of older people.
 - 1 and 2 bed may be increased to 90% where required and viable in cases where this enables the provision of homes for older people and is consistent with identified need.
- 5.3.3 Throughout the process of the application, the Council has been in continuous discussions with the Applicant regarding the provision of affordable housing on this site. Viability studies were submitted to the Council for assessment as evidence to show that the proposed scheme would be financially unviable if the Applicant enters into a S106 legal agreement with the Council to provide affordable housing on site. The applicant has therefore set out that they are not willing to enter a legal agreement pursuant to S106 of the Town and Country Planning Act 1990. It is however noted that 7 of the units are intended to meet specialist needs, but the intention of the applicant is for this to be controlled by themselves and not through a restriction of a planning permission.
- 5.3.4 While the Council supports the provision of housing to meet specialised needs in the District in line with the Council's current strategic requirements in accordance with Policy H3 of the LDP, it is important to note that this should not override the requirement to provide affordable housing which should be supplied as with general needs affordable housing. The Applicant, on several occasions, has advised they will not accept a Section 106 restriction relating to affordable housing as the proposed accommodation will be for local residents via their Nominations Agreement with the selected housing association.

- 5.3.5 The Council considers that without a legal agreement for the provision of affordable housing, it would be difficult for these units to be retained as ‘affordable’ and for ‘local residents’ in the Maldon District. Within the Applicant’s submission, it states that there is a ‘Buy-Back’ mechanism to address the unlikely event that the housing association is no longer in operation. There were suggestions to revert the units to general needs affordable rented housing should the housing association fails to operate but this was also declined by the Applicant. This does not give comfort to the Council that the proposal would benefit the District particularly in terms of social sustainability.
- 5.3.6 Policy requires a clear identified need for this type of accommodation that cannot be met elsewhere in the District. A letter from the Applicant dated 19 November 2018 prepared by Essex Country Council Adult Social Care states there is a need for specialist accommodation for people with learning disabilities in the District. Within this letter, the following points were made:-
- *‘There are presently 81 people with learning disabilities living in Maldon District who are currently known to ECC Adult Social Care.*
 - *Of these, there are 53 not already living in a supported living or residential setting who could move into new provision in Maldon if The Friary scheme is built.*
 - *It is important to note that these figures change as people move in and out of the County and are born / die. Furthermore, these figures are also dependent on people having an eligible need under the Care Act and are also subject to the choices of the adults regarding where they would like to live.*
 - *It is also important to note that there will also be people currently not known to ECC Adult Social Care including young people and adults who are being cared for privately at home. These individuals can often later become clients of ECC if their circumstances and / or care needs change and / or their informal carers are no longer able to continue to support them via the same arrangements’*
- 5.3.7 Based on the above letter submitted, it appears that there is some need. However there is a clear conflict within the proposal as the Applicant states the key goal is to deliver specialist affordable housing yet have undertaken viability studies to evidence why affordable housing cannot be provided on this site. A viability study was carried out for the original scheme for 30 units. The most recent viability appraisal follows changes to the scheme to reduce the number of units from 30 to 28. It is evident that reducing the number of units has made the project less viable but the Applicant has confirmed that the learning disability units would still be provided. Further, it is understood that the viability assessment has been carried out for 27 units instead of 28 units as the shared accommodation for the duty carer may not create any income stream. Irrespective of whether the development proposed has been calculated and assessed on the basis of 27 or 28 units, the Applicant is still unwilling to enter into a legal agreement with the Council to provide affordable housing. It is not considered that there has been evidence provided that there is a need for an additional number of this type of accommodation for residents of the District. Furthermore, the applicant would not be willing to restrict the occupancy to residents of the District or provide Maldon District Council with allocation rights. Therefore the proposal would fail to

comply with Policy H1 of the LDP. In this regard it is noted that the Council's Housing Team have objected to the proposal on the grounds that no affordable housing is proposed and whilst the unviability of the scheme is noted, they maintain their objection on the grounds that the delivery of affordable housing that is required to meet the needs of the District will not be forthcoming from this proposal.

- 5.3.8 In this case, the benefits of the development have to be weighed against the dis-benefits or the areas where the development is not compliant with the requirements of the Local Development Plan. Weight can be afforded to the overall housing mix that is policy compliant and the fact that the housing is intended to be of social benefit. However, the harm caused by the failure to deliver affordable housing which is demonstrated to be of substantial need and is required by policies of the Local Development Plan is considered to

5.4 Design of Development

- 5.4.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.4.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF (2018). 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”.

- 5.4.3 The above principle is also set out in the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
- 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

5.4.4 The above should be read in connection with Policy H4 of the LDP. This states that *“all development will be design-led and will seek to optimise the use of land having regard to the following considerations:*

- 1) The location and the setting of the site;*
- 2) The existing character and density of the surrounding area;*
- 3) Accessibility to local services and facilities;*
- 4) The capacity of local infrastructure;*
- 5) Parking standards;*
- 6) Proximity to public transport; and*
- 7) The impacts upon the amenities of neighbouring properties.”*

5.4.5 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the MDDG which is an adopted Supplementary Planning Document and is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the natural and built environment. This document is now a material consideration in the assessment of all planning applications.

5.4.6 Friary East and Friary West are two similar, substantial early 19th century brick houses with ancillary buildings and structures including a 19th century stable block to the east of Friary East and 18th century walls (some of which contain historic fabric from the 13th century Carmelite Friary). Both Friary East and Friary West retain substantial plots as originally intended for formal gardens and panoramic views.

5.4.7 Due to the scale and nature of the applications, the Conservation Officer has been consulted and the following advice was given regarding the development proposal.

When constructed, both Friary East and Friary West had their principal elevations facing Longfield with far reaching views across their landscaped formal gardens to open agricultural fields with views of Purleigh and the Estuary beyond. Longfield retains some openness as an area of POS. Friary East is still bounded by the historic Friary Wall on its eastern boundary running parallel with Chequers Lane and the cycle/footpath on its southern boundary. The western boundary is a brick wall separating Friary East from Friary West. The stable block remains and the Friary Walled Garden containing an orchard of fruit trees and shrubs is managed by a Friends Group. The southern boundary of the Friary East was always intended to remain a soft landscaped boundary when Friary East was constructed and there is no hard boundary only a post and mesh fence where soft landscape is visible through the mesh and providing a tree canopy over the cycle/footpath. The OS Map 1873 shows a small structure in the south east corner of the site and this may have been a small lodged entrance or outbuilding for gardeners managing the formal gardens.

Friary East and Friary West were built on the former site of a Carmelite Friary. Monastic buildings were usually located away from main settlements because of the desire for isolation through the Order or House. The Carmelites however, were considered an ‘urban’ Order and were located on the periphery of the town. Maldon’s history is associated with the 13th century Carmelite Friary in street names: White horse Lane, Carmelite Way, Friary Fields Friars Gate, Chequers Lane and

remaining structural elements including the Friary Walls and the Friary Walled Garden. Interpretation boards and public art, contributed to by ECC, MDC and English Heritage through the Conservation Area Partnership Scheme 1998-2003, can be seen at Friars Gate between Marks & Spencer and M & Co.

Much has changed in the 20th century mainly related to the expansion of the town centre and secondary school and provision of infrastructure, services and housing to support growth. Friary East and Friary West have retained their historic context alongside the former stables, Friary Walled Garden and Friary Wall enclosure. The site's hard physical boundaries and enclosure do not allow permeability through the site at present.

- 5.4.8 To the east of Chequers Lane, modern housing fronts the footpath / cycle way and the Friary Wall that is modest two story terraced housing. Similarly, Tenterfield Road is made up of predominantly late 19th and early 20th century terraced and semi-detached housing facing the street at right angles to the Friary Wall and Chequers Lane.
- 5.4.9 With regard to the design of the development, the conversion of the listed building to a residential use (7 x 1 and 2-bed units) and the development of 2 new townhouses adjacent to the listed building gives rise to design considerations for access and layout for supporting facilities and services for future residents including access to residential amenity space, car parking (resident and visitor), boundary treatments for privacy and security, public and private lighting, cycle parking, outdoor bin storage and refuse collection points etc. There is also consideration of Building Regulations and design in terms of sound separation, fire safety and energy efficiency which will be discussed later on in the report.
- 5.4.10 The application site is within the Maldon Conservation Area where consideration of the impact on character and appearance is a statutory requirement. It is considered that the Conservation Area will be affected by the new development adjacent to the listed building and within the grounds of the listed building as well as through the impact of supporting facilities and services for the two new development blocks accommodating 21 new apartments (as for the 7 flats). The integration of new development to the context (natural, built and historic environment) is the main design consideration.
- 5.4.11 In terms of layout, it is important to note that access dictates layout. The proposed access effectively divides the existing grounds to the rear of Friary East in two with the two proposed townhouses and one of the proposed apartment blocks on the east of the access route and Friary East and the other proposed apartment block to the west of the access road.
- 5.4.12 The two townhouses proposed will be located to the rear of the stable block that is an outbuilding to Friary East. The layout of the townhouses has no relationship to the historic stable block or Friary East to which the stable block is subservient in terms of scale and appearance. Whilst the Applicant states that the demolition of the 1960s structure would be an improvement to the listed building and its setting, the submission does not go on to explain how the replacement with two townhouses, car parking, boundaries and private amenity space (plus access drive) would be an improvement to the listed building and its setting.

- 5.4.13 In support of the application, a Landscape Strategy Report dated March 2018 (refer: WWA/1647/Doc/601 P03) has been submitted. To the rear of the site, there are mature trees and hedges at present, the car parking spaces proposed to the rear of the two blocks of flats would mean the removal of some existing soft landscaping. This would ultimately and irreversibly change the character and appearance of the site with a car dominated frontage on the southern boundary when viewed from the public open space at Longfield. It is important to note that Chequers Lane and the designated cycle route that runs east west from America Street to Fambridge Road along that southern boundary are important vehicle free areas and this abrupt change in character imposed on the existing character would create a visible urban edge of a large parking court serving two blocks of flats. Rear parking courts are an urban feature and should be designed appropriately. In this instance, it is considered that the large area of hardstanding located on the edge of the site would be inappropriate as it would result in a car dominated development, contrary to policy D1 of the LDP. It is considered that any soft landscaping proposed is unlikely to provide an acceptable level of screening this southern part of the site, which is considered to be essential given the historic context that is set out above.
- 5.4.14 In terms of appearance and layout, two blocks of flats are proposed within the grounds and setting of the listed building. The proposed blocks of flats are utilitarian and urban in appearance and limited in architectural features, thereby representing built form that is of minimal visual interest and does not benefit the conservation area. Based on the Design and Access Statement Submitted, it is understood that Blocks F2 and F3 will be constructed using facing buff and red brickwork with coping details to emphasise the horizontal edges of the two buildings. Coupled with the necessary large car parking court to the south of the site, it is considered that the overall development is completely out of keeping with its immediate setting and fails to relate to the established character or its wider surroundings. The two flatted blocks providing a total of 19 units (F2 and F3) in the rear grounds on the southern boundary appear awkward, contrived and illogical in terms of layout and scale and bears no relationship to the existing grain of development and established settlement pattern to the east and west of the application site. This is considered to be contrary to policy H4 which states that *“Backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal.”*
- 5.4.15 With regard to the scale of the development, it is considered that the two blocks of flats would appear disproportionate with its site and surroundings in relation to the current buildings on the site, the defined landscape area, the established grain and settlement pattern next to the site. Friary East, the listed building, is proportionally scaled in height and mass within its defined boundaries. In this instance, the two proposed development blocks showing a larger footprint and mass than Friary East would overwhelm the listed building when viewed within the wider context.
- 5.4.16 The residential blocks and formal gardens are considered to be at odds with the existing appearance of the site. The two blocks of flats at the rear of the site would be highly visible in public views from Chequers Lane and Longfield. It is considered that the scheme, if approved, would create a significant impact on the existing appearance of the site and the relationship of the new structures with Friary East and existing buildings on Chequers Lane and Tenterfield Road. Further, the lack of connectivity and permeability through the site, other than the future occupiers of the

site, would fail to create a cohesive development, contrary to the aims of the NPPF where it seeks to promote healthy communities. It is also considered that the south part of the site, would be unduly dominated by hardstanding which would be visible from the public footpath to the south of the site and create a hardstanding dominated environment to the detriment of the character of the area.

- 5.4.17 For these reasons it is considered that the development proposal, when viewed as a whole, would conflict with Policies S1, D1 and H4 of the LDP, the MDDG, and Government advice contained in the NPPF.

5.5 Impact on Listed Building and the Conservation Area

- 5.5.1 Having considered the sensitivity of the site, the Conservation Officer has been heavily involved with the Listed Building Consent application. The following comments were given by the Conservation Officer:

Friary East, the subject of this application, and Friary West are two substantial Georgian brick mansions of a similar style, both listed at grade II. The mansions are of a classical style that is typical of the period and have principal elevations of tuck pointed grey gault brickwork facing south onto gardens. They were both built early in the 19th century, but by separate owners, on the site of the Tudor Harris Mansion which, in turn, had been built upon the site of the medieval Carmelite Friary. The garden walls of the two Georgian mansions are also Grade II listed and appear to incorporate some brick and stone from the medieval and Tudor structures which formerly occupied the site. The 19th-century red brick outbuildings to the east of Friary East are also Grade II listed. The site falls within the Maldon Conservation Area.

Friary East was a private residence until it was purchased by Essex County Council in 1946. An extension on the eastern side was built in 1963. The building was listed in 1971. To the south east of the 1960s extension, a further building (now a pre-school) was constructed in the 1990s.

Friary West was built by Benjamin Baker, a surgeon. He purchased the site in 1801/2 and there is a date plaque on his mansion of 1803. While this house is smaller than Friary East, it arguably possesses a greater degree of finesse, achieved through the use of recessed surrounds to many of the windows. Given the stylistic similarities between the two mansions it seems highly likely that the same contractors were involved, albeit working for separate clients.

Friary East was built by Thomas Lee, a local farmer and magistrate. He purchased the eastern part of the Friars estate in 1802 and had started demolishing the remains of the Tudor mansion early in 1803. In several respects, Lee's mansion appears to be an exercise in one-upmanship over the slightly earlier neighbouring house Friary West. It is larger, it has a grander portico and it has gault brickwork on its east elevation as well as its south elevation.

In spite of the poor treatment which Friary East has received throughout the second half of the 20th century, much of the original layout and many of the architectural features survive. Most of the windows are in the original style, although only around half a dozen are likely to be original. There is a particularly good survival of

cornicing, picture rails, skirtings, door surrounds and doors. There are four different types of cornice on the ground floor and three different types on the first floor. The level of embellishment reflects the original status of each room. Particularly notable, is the use of delicately detailed arches, in the manner of Soane, which would have framed views down the corridors to dramatic effect (an effect somewhat eroded by later screens and partitions).

In terms of historic interest, the house is an expression of the great wealth amassed by farmers as a result of the grain embargos imposed during the Napoleonic Wars. It is noted that the cornice in the Dining Room is decorated with heads of wheat, possibly in reference to the source of Lee's wealth.

- 5.5.2 The Conservation Officer agrees with the conclusion in the heritage appraisal that the building has high architectural value. The use of gault bricks on the polite elevations and red bricks on the service elevations is notable. The architectural quality and scale of the building is impressive. The Victorian illustration demonstrates how the two mansions once appeared very striking in long views from the south, though it is recognised these views are now largely hidden by trees and The Plume Secondary School.
- 5.5.3 While the setting of Friary East has been eroded to some extent by the buildings erected within the grounds in the 1960s and 1990s, the survival of the (now separately listed) 19th-century outbuildings and the largely undeveloped gardens are reminders of its original character. Unlike Friary West, Friary East retains its original garden, partly enclosed by the original (and separately listed) boundary wall. The heritage appraisal recognises the importance of the garden to Friary East's setting, even in its overgrown state. It is suggested that the significance of the listed building derives mainly from its age, history as a house built by a wealthy local farmer, impressive scale, high architectural quality, reasonably good state of preservation despite some significant alterations, and the setting provided by the original garden to the south.
- 5.5.4 The proposal seeks to subdivide and convert Friary East into 7 self-contained flats. The works would include the removal of the modern extensions from the eastern elevation, and the restoration of fenestration on the western elevation on the exterior of the listed building. While the number of units has been reduced from 9 to 7 to enable a more sympathetic layout with a greater level of details submitted when compared to the initial scheme for 9 units, there will still be some loss of historic fabric to the building.
- 5.5.5 The Conservation Officer advises that the conversion of Friary East to several flats will inevitably cause some harm to the building's significance, because the internal layout will no longer flow in the manner that was originally intended. However, the amended scheme is the result of considerable efforts to preserve the volume of original rooms and to preserve original doorways in-situ (even where they are being sealed). The revised scheme incorporates further elements of enhancement to weigh in its favour, amongst the most significant being the restoration of the main stairs. Externally, the removal of the modern extensions from the eastern elevation, and the restoration of fenestration on the western elevation would represent clear enhancements to the listed building. In this respect, the Conservation Officer has considered that, on balance, the degree of harm in this instance is moderate and, is

outweighed by the benefits of getting the listed building back into use, and the various elements of enhancement and restoration now incorporated as part of the scheme.

- 5.5.6 With regard to the proposed townhouses that would replace the 1960s range to the east side of the listed building, the Conservation Officer has been re-consulted on the amended scheme. Previously, the Conservation Officer had advised the following:-

‘The 1960s range is clearly of no heritage value, and there is no objection to the loss of it. Replacing part of it with a single-storey structure which is more sympathetic to the setting of the listed buildings is likely to be achievable. The two-storey flat-roofed houses which have been proposed will appear too imposing – Not just in relation to the house but also the listed outbuilding. It is likely to cause more harm to the setting of the listed buildings than the current structure’.

- 5.5.7 The amended plans for the townhouses shows that a roof terrace has been incorporated into the design to provide additional amenity space for the future occupiers of the new build. It is noted that the terraces are positioned towards the centre of the roof top and would not appear prominent when viewed from the public domain. While the revised design is considered an improvement towards the provision of amenity space for the townhouses, the Conservation Officer’s view is that the townhouses are boxy in appearance. The height of the townhouses would be greater than the existing 1960s range and as such the development would appear discordant, awkward and overbearing when viewed against the listed building and is likely to cause more harm to the setting of the listed buildings than the current structure.
- 5.5.8 In relation to the proposal to build flats within the garden of Friary East, as described above, much of the listed building’s significance derives from its identity as a substantial Georgian mansion with a large garden and ancillary historic outbuildings. The heritage appraisal recognises the importance of the garden to Friary East’s setting, even in its overgrown state. It is considered that the proposed residential units within the historic garden would detract from the settings of Friary East and Friary West.
- 5.5.9 It is noted that the use of good quality gault bricks would reference the Georgian façade of the listed building. However, the form and scale of the buildings proposed would appear alien and incongruous in this context. The scale and box-like form of the south-eastern 3-storey range would appear particularly jarring when viewed from Tenterfield Road and Chequers Lane, to the detriment of this part of the conservation area. As part of the submission, 3-Dimensional Drawings (3D) were included to support of the proposal. The 3D drawings show the development and its close proximity to the listed wall, Chequers Lane and Tenterfield Road appearing cramped, overwhelming and out of character in its wider setting.
- 5.5.10 The Conservation Officer has also raised concerns regarding the proximity of the three-storey block being built so close to the boundary wall as the development could cause the listed wall to destabilise. It is noted that a letter prepared by a Structural Engineer has been submitted to support the application and it suggests that the construction of the flats should have no impact upon the structural stability of the listed boundary wall. The Conservation Officer is not confident by this submission as the development involves lowering of the ground levels within the site. Further, no

cross-section drawings have been submitted to demonstrate the varying ground levels and the leaning of the wall.

- 5.5.11 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest which it possesses. The Conservation Officer has assessed the proposal and does not consider that the development would be consistent with that objective. Listed building consent is required for the removal of the attached structures at the east side of the primary listed building. The removal of the structure is not objected to in itself, but in the absence of an acceptable scheme for the replacement or mitigation of the demolition works, it is considered that the proposed demolition would leave a void area to the side of the listed building that would not enhance or maintain the setting of the listed building. Although the partial demolition could be supported if a scheme is in place to replace the structures, it is considered that the unwarranted demolition has limited wider benefits that outweigh the potential unresolved situation. Therefore the proposal is contrary to the guidance contained within the NPPF and policies D1 and D3 of the MDLDP.
- 5.5.12 Further, 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. For the reasons outlined above, the Conservation Officer does not consider that the development would accord with that objective also. As such, the proposal would be contrary to Policy D3 of the LDP and Government advice contained within the NPPF.
- 5.5.13 The Conservation Officer's view has also been supported by The Georgian Group and Maldon Society. Both bodies have advised that the proposal would cause harm to the significance of Friary East through the harm to the legibility of the building's historic plan form and changes to its setting.

5.6 Impact on Residential Amenity

- 5.6.1 Policy D1 of the LDP advises that any development should protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight and that any backland / infill development should not result in unacceptable material impact upon the living conditions and amenity of nearby properties. This is supported by section C07 of the MDDG (2017).
- 5.6.2 Letters of representation were received concerning the loss of privacy and overlooking primarily from the proposed residential blocks scheme. The block of flats comprising of 7 units would be two-storey in height and located to the south west of the site (F2). It is noted that the nearest windows on the western flank wall would be small windows where two windows would be serving bathrooms to two flats and one would be a secondary window serving a living room. A condition can be imposed to ensure that these windows would be obscure glazed should the application be approved to protect the existing occupiers at Friary West from an unacceptable loss of privacy. It is noted that there will be first floor windows proposed on the north elevation, the closest window would be located approximately 35 metres away and serve a bedroom. Having considered the distance between the new build and the

existing occupiers at Friary West, it is considered the proposal would meet policy requirement as contained within Policy D1 of the LDP.

- 5.6.3 The residential block located to the south east of the site comprising of 12 units would be three-storey in height (F3). It is noted that windows are proposed on the ground floor, first floor and second floor of the new build. These windows are all secondary windows serving dining rooms, living room and kitchens and as such can be conditioned to be obscure glazed to protect the amenity of the existing occupiers at No. 83 Tenterfield Road should the application be approved. While there are windows proposed on the north and south elevation of the building, it is considered that their position on the new build, would not impact on the loss of amenity to neighbouring residential properties to a significant degree to warrant the refusal of the application on these grounds.

5.7 Access, Parking and Highway Safety

- 5.7.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.7.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.7.3 In the Maldon District Vehicle Parking Standards Supplementary Planning Document (VPS, 2018), it stipulates that for one bed units, a minimum of one car parking space is to be provided and for two and three bed dwellings, a minimum of two car parking spaces would be required to meet policy requirements. As the application site is in a town centre location with good accessibility to public transport and walking distances to local services and facilities, the VPS advises that a minimum of one parking space per dwelling would be required but there is no requirement to provide visitor parking spaces. In support of the application, a Transport Statement prepared by Phil Jones Associates dated July 2017 was submitted to accompany the application. The Council accepts that the site is sustainable in terms of accessibility in accordance with Policy T1 of the LDP.

- 5.7.4 Based on the plans submitted, 28 parking spaces are proposed in total. It is noted that the existing 20 spaces at the northern end of the site (between the application site and Maldon Library) would be retained for use by the other surrounding Essex County Council related functions and would not be affected by this development proposal.
- 5.7.5 Each town house (FO 11 and FO 12) will have its own garage for vehicle parking measuring 2.5 metres x 5 metres. The plans submitted shows that 20 car parking spaces, including two disabled bay parking spaces are proposed to the southern part of the site (rear of Block F3). A further 5 car parking spaces and one disabled bay parking space are proposed to the west side of Block F3. A total of 26 spaces will be provided for the future occupiers of the site. Each parking bay measures 2.4 metres x 4.8 metres and the disabled bay parking space measures 3.3 metres x 6 metres.
- 5.7.6 In the VPS 2018, it states that:
- Parking spaces should measure 2.9 metres x 5.5 metres;
 - Disabled parking bays must be 3.6 metres wide; and
 - The dimension of garage / carport size standards should be 3 metres x 7 metres
- 5.7.7 Based on the submission, it is considered that the proposed development would not be served by sufficient car parking of adequate size to comply with the VPS 2018. The proposal would therefore be served by inadequate parking which would have the potential to cause unsafe parking, to the detriment of highway safety, contrary to Policy T2 of the LDP.
- 5.7.8 With regard to access to the site, all modes of transport would be via the existing car park (20 spaces) at Carmelite Way behind the Maldon Library. An access point is proposed extending from the existing car park into the site between Friary East and the stable block. It extends north to south through the grounds culminating in a widening to another car park between the two proposed new build blocks laid out in an 'L' shape for 26 car parking spaces.
- 5.7.9 It is noted that the Essex Design Guide states that the minimum width of a Mews Court (the lowest intensity road listed within the Essex Design Guide) should have a minimum carriageway width of 4.8 metres. One way streets are expected to have a minimum width of 3.7 metres. In this context it is considered that the access road within the site, which would measure 4 metres wide for a length of 50 metres would not represent good design and would result in cars being likely to be unable to pass. The necessity to reverse if meeting a vehicle travelling in the opposite direction is therefore likely to occur regularly and this, in turn, might be likely to impact on pedestrian and vehicular safety within the site. This is especially the case given the number of vehicle movements that are likely to be associated with the proposed development and the 26 parking spaces located within the south part of the site. Whilst it is noted that the Highway Authority has raised no objection, it is considered that this does not prevent the Local Planning Authority raising an objection in relation to this matter, especially as the access is unlikely to be adoptable and therefore would fall outside the jurisdiction of the Highway Authority.
- 5.7.10 Maldon Town has an established character of intimate lanes and alleys for pedestrians and cyclists that connect the back lands to both sides of the High Street (Brights Path, Dolphin Cut, Mill Close, Kings Head Path, Friars Gate, Chequers Lane, Church Lane,

Coach Lane etc.) and the opportunity exists to create an access for pedestrians and cyclists on the southern boundary through the site to the rear of the High Street via Carmelite Way. However, the proposal would, if approved, result in an area of hardstanding forming a large parking court. The car parking spaces which run parallel to the southern boundary of the site would create an impermeable barrier to any movement through the site for pedestrians and cyclists. As there is no through traffic across the site to provide connectively from north to south, the development could be considered as a cul-de-sac. The Urban Design Officer has considered the proposal and considers that proposed vehicle access route running north to south through the rear grounds appears inimical to the prevailing road network in the vicinity of the application site that is east-west (High Street, Whitehorse Lane, Friary Fields and Tenterfield Road).

- 5.7.11 The Highway Authority has been consulted regarding the development proposal and has raised no objection subject to condition in relation to Residential Travel Packs to be provided for the future occupiers of the site. This can be conditioned should the application be granted.

5.8 Private Amenity Space

- 5.8.1 Policy D1 of the LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 50m² of amenity for 1-2 bedroom dwellings; and 100m² of private amenity space for dwellings with three or more bedrooms. In flatted developments, 25m² would be required for each unit.
- 5.8.2 The proposal shows small pockets of communal spaces to the south of Block F2 (approximately 100m²) and to the north east of Block F3 (approximately 105m²). A formal landscaped area measuring approximately 775m² is also proposed between F1 (Friary East) and F2. In the MDDG, it states that in a higher density development schemes where houses faces, backing on to, or adjacent to a substantial area of well landscaped and properly maintained communal space, the private garden area could be reduced to 25m². It is considered that the total of the formal landscaped area and small pockets of communal spaces would meet policy requirement of D1 and the MDDG. Regardless whether the units are 1 or 2 bedrooms, if the communal garden areas are divided up equally between the future occupiers of the site, each unit would benefit from an area of approximately 38m². In this respect, the proposal broadly complies with Policy D1 of the LDP and the MDDG. This calculation does not include the 2 x 3 bed townhouses located to the east side of Friary East.
- 5.8.3 Each townhouse would have an area of 15m² to the rear of the property and a roof terrace of 18.8m². While the roof terrace would increase the amenity area for the future occupiers of the property and is an improvement to the original submission where only 15m² of amenity space was being provided, the Council has reservations regarding the limited and unusable amenity space provided for the 2 x three-bed units which are likely to be family houses. Therefore the proposal would fail to accord with Policy D1 of the LDP and the MDDG.

5.9 Landscaping

- 5.9.1 Policy D1 of the LDP advises that any development should respect and enhance the character and local context and make a positive contribution in terms of landscape setting. Further policy H4 of the LDP states that backland and infill development will be considered on a site-by-site basis to take into account local circumstances, context and the overall merit of the proposal. Backland and infill development will be permitted if all the criteria under this policy are met, which includes the proposal will not involve the loss of any important landscape, heritage features or ecology interests.
- 5.9.2 To achieve this development proposal, the submissions indicate a large part of the existing garden area will be stripped of its vegetation and either built on or hard surfaced. The Landscape Strategy Report identifies that 41 trees are scheduled for removal including 9 important trees. Extensive car-parking is proposed to be provided largely within the canopy spread of the existing trees at the bottom of the garden. On the Landscape Layout Plan-South (Drawing No: wwa_1647_LL_101 Revision T02) and the Planting Plan (Drawing No: wwa_1647_LP_301 Revision T03) submitted, it shows a narrow strip of soft landscaping to be retained between the parking court and the southern boundary of the site with several bird and bat boxes proposed a long with dead wood habitat creation and wildlife friendly landscaping. Concerns have been raised regarding the depth of this piece of land which measures approximately 1.6 metres (at its narrowest point) and 6.5 metres (at its widest point) and how it would environmentally benefit the development proposal considering that the future occupiers of the site could potentially park their vehicles close to the southern boundary of the site. The proposal would have both a negative amenity and biodiversity effect, and could create future conflict between mature trees, wildlife, and car-users through leaf fall and bird and bat droppings.
- 5.9.3 The existing tree belt and its associated understorey vegetation provides an informal screen between the footpath outside the southern boundary and the site would be significantly reduced, potentially affecting the experience of all future users along this footpath. Little room is left along the eastern boundary wall to soften the development proposals along which will be three storeys in height and is likely to be visible from the eastern footpath The Chequers.
- 5.9.4 The application proposes the severance of Friary East from its historic stables and courtyard through inserting a vehicle access between the two and developing the lower half of The Friary garden. This not only creates an asymmetry in the remaining garden space but also adversely affects the setting of the building by cutting the existing gardens in two. The Heritage Appraisal states: *'The grounds and gardens of Friary East itself contribute to the building's setting. Although the grounds have been divided up and new buildings have been constructed to the north of the gardens, the gardens remain largely intact' and 'The gardens continue to contribute to the setting of the listed building despite their overgrown and somewhat abandoned state'.* And *'The more formal lawn area to the south of the building can be read by the location of planting and it is from this location where the south elevation of the building is best experienced.'* Inserting so much development at the bottom of the existing garden, as well as between Friary East and the Stable Block, severely restricts the remaining garden space for a building of this size and negatively affects both its setting and its relationship with the stable yard. Policy D1 'Design Quality and Built Environment' of the LDP identifies 'landscape setting' as a key factor in good design and that

development should *'contribute positively towards the public realm and public spaces around the development'* and *'contribute to and enhance local distinctiveness'*. The proposal does not appear to meet this policy. Further, the proposal would also fail to accord with Policy H4 of the LDP as the development would involve the loss of important landscape.

5.10 Archaeology

5.10.1 The Essex Historic Environment Record (EHER) shows that the proposed development has the potential to impact on known archaeological remains, and has also been identified by the Desk-based Assessment submitted with the application. The proposed development is located in the heart of the historic town of Maldon (EHER 7719). The immediate vicinity comprises the grounds of the medieval Carmelite Friary (EHER 7728-9). The two Friary buildings (East and West), and the accompanying wall are Listed Grade II and are early 19th century in origin. The trial-trenching report submitted with the application has identified the presence of Iron Age and post-medieval features on the site. However not all of the proposed development area has been examined, and there remains the possibility of further archaeological deposits being present on the remainder of the site.

5.10.2 Archaeological deposits are both fragile and irreplaceable and any approved development on site should therefore be preceded by a programme of archaeological investigation which should be secured by an appropriate condition attached to any forthcoming planning consent. It is recommended that if this proposal is approved that a full archaeological condition is attached to the planning consent. This would be in line with Government advice given in the National Planning Policy Framework Paragraphs 184-192.

5.11 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast RAMS

5.11.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.

5.11.2 Natural England anticipate that, in the context of the Local Planning Authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), HMOs, student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

5.11.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations

Assessment (HRA) – Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.

- 5.11.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.11.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.11.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? **Yes**

Does the planning application fall within the specified development types? **Yes – The proposal is for the 28 units within the plot**

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? **No**

Is the proposal within or directly adjacent to one of the above European designated sites? **No**

Summary of Appropriate Assessment

As a competent authority, the local planning authority concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission

5.12 Other Material Considerations

Essex Housing

5.12.1 The Applicant is Essex Housing (EH). Essex Housing is a new function of Essex County Council which has been set up to work with its public-sector partners to bring forward surplus land / assets to address housing needs across Essex. The applicant states that the development will take into account the affordable accommodation needs of the local area and that any proceeds from the development of the Friary East site would be reinvested into the provision of public services, for the maximum benefit of the County's residents and the public purse. The applicant also states that the delivery of the range of affordable accommodation on the scale envisaged by Essex Housing would not be possible if this surplus publicly owned land were simply sold for development in the open market.

5.12.2 Whilst the above is noted, it is considered that the applicant should be treated the same as any other and the failure to enter into a suitable Section 106 agreement is not overcome by virtue of the stated intentions of the applicant.

Loss of Adult Learning Centre

5.12.3 As part of the application submission, the Applicant has provided some details regarding the use of Friary East. Friary East was used for Adult Community Learning (ACL) until 2014 when the facility was relocated to the adjoining space above Maldon Library. The facility's relocation forms part of a County-wide redesign to the service which is seeking to provide, amongst other matters:

- A streamlined structure and process to the ACL programme;
- Improved financial performance; and
- Improved quality of service.

5.12.4 During ACL's operations at Friary East the layout was difficult to facilitate full disabled access and provided spaces which were not well-suited to current teaching requirements. As part of the redesign and to improve the quality of service for its customers the decision was taken by ECC to relocate the ACL function into adapted modern office space above the Maldon Library once the social services teams had been relocated to Chelmsford. As such, this community service is not lost.

Essex Country Fire and Rescue Service (ECFRS)

5.12.5 The ECFRS has advised that the proposal would be considered an excessive distance to the nearest statutory free hydrant No: 46/739) which is located to front of the library. As such, it would necessary to install an additional fire hydrant within the proposed site.

- 5.12.6 Further, if a fire appliance is unable to gain access to within 45 metres of all parts of a new dwelling, as required by the Building Regulations 2010 Approved Document, an alternative solution may be required such as an Automatic Water Suppression System (AWSS) or dry-rising fire main incorporated into the building design.
- 5.12.7 The above recommendation can be dealt with by imposing an informative should the application be approved to notify that the above has to be adhered to.

Case Studies

- 5.12.8 In support of the planning application and Listed Building Consent, the Applicant has submitted details of other schemes that have been approved by other Local Planning Authorities in Essex namely Chelmsford City Council and Brentwood Borough Council. Each case is considered on its own planning merits and circumstances are different in each case. Those approved applications would have been determined against the Development Plan Policies of the aforementioned Councils.
- 5.12.9 This proposal has been considered on its planning merits and is determined against the Council's own Local Development Plan policies. Therefore, the fact that a proposal is found acceptable by one Local Planning Authority does not prejudice the ability of this Local Planning Authority to assess the proposal on its own merits. Further, it is important to note that the planning applications that were referred to by the Applicant did not include the conversion of a Grade II listed building and were not within the grounds of a listed building. This is material consideration that the Council has to also consider when determining the development proposal.

Foul Water and Surface Water

- 5.12.10 Anglian Water and the ECC SUDs Team were both consulted. No objections were raised and advised conditions to be imposed should the application be approved.

Positive and Proactive

- 5.12.11 During the process of the planning application and Listed Building Consent, the Council has had numerous meetings, site meetings, and email correspondences with the Applicant and the Council. While there has been some improvement to the scheme such as reducing the number of units from 30 to 28 units and the provision of a roof terrace to each of the townhouses. Other issues that have been highlighted in the officer report are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified above and for this reason an approval to the scheme has not been possible in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Positive and Proactive Statement

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/99/00947** - Proposed installation of a disabled platform lift. Granted Listed Building Consent: 2 February 2000
- **ESS/MAL/14/00952** - Listed Building Consent for Rebuilding and reinstatement of existing boundary brick wall. Granted Listed Building Consent: 17 July 2015
- **ECC/MAL/05/00958** - Proposed extension and internal alteration to provide new reception foyer and accessible gym facilities. Approved: 8 September 2017

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p><u>Object:</u></p> <ul style="list-style-type: none">• The proposal would result in an awkward back-land development, overdevelopment of the site and would be out of keeping in this sensitive area.• The proposal jeopardizes the historical context of the existing Listed Building.• The proposal, by reason of its scale and bulk, would result in an imposing and obtrusive development.• Concern about the proposed limited access.• The site had not been earmarked for development in the approved LDP• By their own admission, the applicants state that the development will be detrimental to the amenity of Friary West.	Noted in the report

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	No objection to the proposal subject to	Noted in the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	condition and informative	
Essex County Fire and Rescue Service (Water)	No objection, advised that the proposal would be excessive distance to the nearest hydrant. An additional hydrant would need to be installed on site	Noted in the report
Essex County Fire and Rescue Service (Access)	Access to site appears satisfactory and all works carried out on site must comply with the relevant requirements of the Building Regulations	Noted in the report
Essex and Suffolk Waters	ESW do not have any apparatus that would be affected by the proposed development	Noted in the report
Anglian Water (AW)	<p>No objections - The foul drainage from this development is in the catchment of Maldon Water Recycling Centre that will have available capacity for these flows</p> <p>The preferred method of surface water disposal would be to a sustainable drainage system (SUDS)</p>	Noted in the report. ECC SUDs Team has been consulted and raises no objection subject to conditions being imposed.
The Georgian Group	Object. The proposal would cause harm to the significance of Friary (East) through loss of historic fabric, harm to the legibility of the building's historic plan form and through changes to the building's setting	Noted in the officer report
Maldon Society	No objection to the residential use of the main house and the demolition of the community hall, but requests robust rejection of the remainder of the application.	Noted in the officer report
Historic England	Suggest that the officer seek the views of the	Noted

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	Council's specialist conservation and archaeological advisers, as relevant.	
ECC SUDs Team	No objection subject to conditions being imposed	Noted in the report
ECC Archaeology	No objection subject to conditions	Noted in the report

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Urban Design Officer	Object to the proposal as the development would not accord with Policy S5 and D1 of the LDP	Noted in the report
Conservation Officer	Object to the proposal but no objection to the demolition of the adult learning centre	Noted in the report
The Coast and Countryside Officer	<p>Object to the planning application on the following grounds:</p> <ul style="list-style-type: none"> Friary East will be severed from its historic stables and courtyard through inserting a vehicle access between the two and developing the lower half of The Friary garden. This not only creates an asymmetry in the remaining garden space but also adversely affects the setting of the building by cutting the existing gardens in two. The amount of development severely restricts the remaining garden space for a building of this size and negatively affects both its setting and its relationship with the 	Noted in the report

	<p>stable yard.</p> <ul style="list-style-type: none"> • The proposals indicate a large part of the existing garden area will be stripped of its vegetation and either built on or hard surfaced.... Extensive car-parking is proposed to be provided largely within the canopy spread of the existing trees at the bottom of the garden. This will have both a negative amenity and biodiversity effect, and could create future conflict between the mature trees and car-users. • The existing tree belt and its associate understorey vegetation provide an informal screen between the footpath outside the southern boundary and the site which will be reduced, potentially affecting the experience of the user along this footpath. Little room is left along the eastern boundary wall to soften the development proposals along this line with the proposed buildings along this boundary apparently three stories high and likely to be visible from the eastern footpath. • Matters relating to ecology will be able to be addressed through conditions. 	
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Planning Policy Team	Comment: For the proposal to be acceptable, it will need to clearly demonstrate that there is sufficient infrastructure capacity to support the development and that its development would not delay or prejudice the development of the LDP allocations. There would need to be a significant contribution through a s106 legal agreement for the infrastructure demands from the development.	Noted in the report
Environmental Health Services	No objection subject to condition to details of surface water and foul drainage and land contamination to be submitted and approve by the Council	Noted in the report
Housing Department	Objects to the proposal	Noted in the report.

7.4 Representations received from Interested Parties

- 7.4.1 34 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The flat roofed building is out of keeping with the area • The height and design of the buildings are overwhelming • The garden would be spoilt • Impact on the conservation area • The Council has a five year housing land supply • The alleyway would be made dark by this development • Impact on wildlife • Noise and disturbance • The development would result in anti-social behaviour • Impact on the long views of the development • Increase in traffic movement • Loss of trees • Lack of services and facilities 	The concerns listed have been noted in the officer report

Objection Comment	Officer Response
<ul style="list-style-type: none"> The development would result in the loss of historic fabric, impact on the Grade II listed building and the Friary Wall 	

8. REASONS FOR REFUSAL:

FUL/MAL/17/00763

- 1 The proposed development, as a result of its layout, scale, mass, height and bulk, unsympathetic design, loss of important landscaping, and excessive site coverage would have an unacceptable visual impact upon the character and appearance of the area. The proposal would be contrived, out of keeping with the prevailing pattern of development and fail to integrate into the surrounding area both physically and visually or achieve a high quality design. Furthermore, the high density of the proposed development does not allow for sufficient amenity space for the two proposed dwellings. The proposal would therefore be contrary to Policies S1, S5, D1 and H4 of the MDLDP and Government advice contained within the NPPF.
- 2 The proposed development would not be served by sufficient car parking of adequate size to comply with the Maldon District Vehicle Parking Standards 2018. Furthermore, the access within the site is considered to be of inadequate width and is therefore likely to cause conflict between vehicles and pedestrians. The proposal would therefore be served by inadequate parking and access arrangements which would have the potential to cause unsafe parking and conditions of unsafe vehicle and pedestrian movements. The proposal is therefore unacceptable and contrary to Policies D1 and T2 of the MDLDP.
- 3 Inadequate provision to secure the delivery of affordable housing to meet the identified need in the locality and address the Council's strategic objectives on affordable housing has been made, contrary to Policies H1 and I1 of the MDLDP and Government advice contained within the NPPF.

LBC/MAL/17/00764

- 1 The proposed development would involve works to the listed building including demolition of part of the building, which is not considered to be of significant heritage value alone. In the absence of an acceptable scheme for the replacement or mitigation of the demolition works it is considered that the proposed demolition would leave a void area to the side of the listed building that would not enhance or maintain the setting of the listed building. Such an unresolved situation is not outweighed by any wider public benefits derived from the works and it is therefore considered that the proposal is contrary to the guidance contained within the NPPF and policies D1 and D3 of the MDLDP.

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

**to
CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	FUL/MAL/18/01264
Location	Madison Heights, Park Drive, Maldon, Essex, CM9 5JQ
Proposal	Two single storey extensions to the front elevation and retrospective permission for the erection of a canopy replacing the two former balconies
Applicant	Michael Kirkham
Target Decision Date	13.02.2019
Case Officer	Nicola Ward
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land

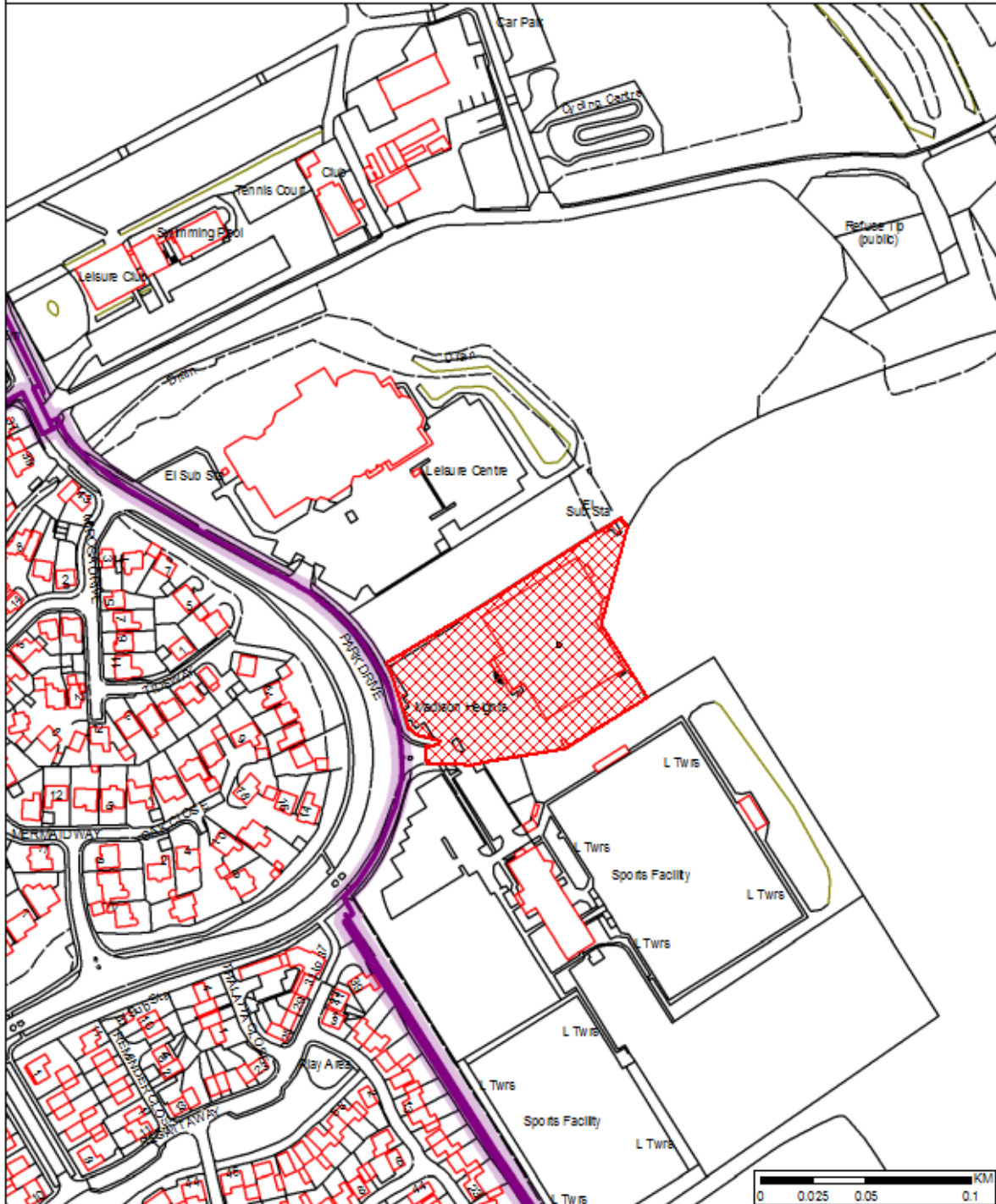
1. RECOMMENDATION


APPROVE with no conditions.

2. SITE MAP

Please see overleaf.

Madison Heights Park Drive
18/01264/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	18/01264/FUL
	Date:	1/29/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located east of Park Drive, within the settlement boundary of Maldon. The site comprises Madison Heights and associated car park. Madison Heights is a recreational centre with bowling facilities, a children's play centre, a roller skating facility, bar and restaurant.
- 3.1.2 The site is located within the defined development boundary of Maldon and is an area of a mix of uses in and surrounding the application site. To the north of the site is Blackwater Leisure Centre, a recreational centre with swimming pool, gym, sports hall, indoor climbing wall and cafe. Approximately 130m to the west of the application site is a residential housing estate bordered by soft landscaping.
- 3.1.3 The entrance to the site is accessed via the east side of Park Drive, and is shared with Maldon Town Football Ground and Sports and Social Club that is located to the south of the application site.
- 3.1.4 Planning permission is sought for two single storey flat roof extensions which are the same in measurements and are located to the front elevation. The proposed extensions measure 5.7m in depth, 19.7m wide with an over height of 4.1m. The external materials to be used are cladding and metal framed glazed windows.
- 3.1.5 The proposal also includes the removal of the large first floor balcony and the installation of a canopy that extends from the first floor down to the ground floor. It is noted from the site visit that the canopy has been constructed therefore; this element is retrospective in nature.

3.2 Conclusion

- 3.2.1 It is considered that in terms of the design and appearance of the development does not result in demonstrable harm to the character and appearance of the site and the locality. Furthermore, the proposed development does not detrimentally impact on the car parking provision or the amenities of the neighbouring occupiers. It is therefore considered that the proposed development is in accordance with policies S1, D1, E3 and H4 of the LDP and the guidance contained in the National Planning Policy Framework.

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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- S1 Sustainable Development

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 CONSIDERATIONS

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. In this instance the host building provides facilities in relation to sporting facilities as set out within policy E3. In addition to this the building hosts a restaurant, bar and ‘soft play’ area.
- 5.1.2 Proposals which help to improve the provision of community services and facilities will be encouraged. The two extensions subject of this application will both provide additional areas to be used in connection with main recreational building on site, 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 recreational 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 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”.

- 5.2.3 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:-
- 5.2.4 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.
- 5.2.5 The proposed design of the two single storey extensions consist of flat roofs with overall heights of 4.1m. The front elevations are to feature 6 large glazed windows within the southern extension that serves the existing ‘soft play’ area and 5 large glazed windows within the northern extension that serves the existing restaurant area. Whilst it is noted that the proposed external materials to be used in construction differ to that used originally for the lower section of the building, it is considered that the use of cladding would not result in any demonstrable harm to the existing building or the locality. Furthermore, due to the single storey nature and size of the extensions in comparison to the host building they are not considered to be overbearing additions.
- 5.2.6 The canopy extends over the existing single storey element and replaces the large balconies that extended across the first floor section of the host building; it is considered that the appearance of the canopy will be in keeping with the two proposed extensions, due to the colour and style referencing that of the external cladding of the extensions. Therefore, it is considered that the canopy does not result a detrimental impact of the character and appearance of the host building.
- 5.2.7 Overall, it is considered that the development, by means of its scale, style and design, is considered acceptable in its setting and does not detract from the appearance of the locality. Therefore, the proposed extensions and existing canopy are considered to comply with the stipulations of policy D1 and H4 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 closest neighbouring properties, 16, 18 and 20 Tideway, are located within the residential development opposite the application site, which is approximately 60m from the development. Furthermore, the development is single storey in nature with an overall height of 4.1m.
- 5.3.3 It is considered that due to the distance and the single storey nature of the development there is no detrimental impact on the neighbouring occupiers in terms of overlooking, loss of privacy or overbearing impact, in accordance with policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The existing car park can accommodate 127 cars in total with 3 allocated for disabled persons, as a result of the proposed two single storey extensions 12 of the existing parking spaces, including the 3 disabled persons bays, are to be relocated to an existing area of hardstanding that is currently used as a storage area, to the rear of the application site behind the host building. This hardstanding is accessed via an existing 5.3m wide strip of hardstanding to the north of the host building. The existing 3 disabled persons bays are to be reallocated to the front of the southern extension with the addition of 7 further disabled bays therefore, providing a total of 10 disabled parking bays.
- 5.4.3 It is considered that, due to the number of parking spaces remaining the same and no alterations to the existing access are proposed, that the alterations to the parking on site will provide sufficient parking facilities and would not give rise to any highway safety concerns.
- 5.4.4 Furthermore, the highway authority has been consulted and has raised no objections for the development subject imposing a condition regarding loading and unloading materials. On this basis, the scheme is acceptable in terms of access, parking and highway safety.

5.5 Other Material Considerations

- 5.5.1 When conditions are imposed on application decisions it should be noted that the application of the 6 tests under NPPF should be taken in to consideration. Paragraph 55 of the NPPF states:

'Planning conditions should only be imposed where they are:

- 1. Necessary;*
- 2. Relevant to planning and;*
- 3. To the development to be permitted;*
- 4. Enforceable;*
- 5. Precise and;*
- 6. Reasonable in all other respects.'*

- 5.5.2 The Environmental Health Officer has suggested 3 conditions with an informative. In response to the following condition:

'1 No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority...

- 5.5.3 It is considered that the development has not resulted in any additional levels of surface water being produced on to the site and that the existing surface water drainage scheme is sufficient to serve the development therefore, it would not be reasonable or necessary to impose this condition in accordance with guidance of paragraph 55 of the NPPF.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/00/00286** - Proposed erection of building to house ten pin bowling snooker centre, children's play centre and restaurant – Approved 05.03.2001
- **FUL/MAL/01/01007** - Proposed additional car parking area. – Approved 12.02.2002
- **ADV/MAL/01/01124** - Freestanding advertisement on site frontage and fascia sign on front elevation of new bowling alley building – Approved 03.01.2002

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No Objection	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No Objection subject to conditions	Addressed in section 5.4
Cadent Gas	No Objection – Advising applicant to contact them if any of the works effect any mains gas lines	Noted. As the works have been carried out, the onus would be on the applicant to address direct with cadent gas.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No Objection subject to conditions	Addressed within section 5.5
Conservation Officer	No Objection	Noted

8. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall accord with that shown on drawing numbers 568-01, 568-02, 568-03, 568-04, 568-05, 568-06, 568-07 and 568-08
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.
REASON: To protect the amenity and character of the area in accordance with policy D1 of the LDP.
- 4 No development shall commence, other than where necessary to carry out additional investigation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.
The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The development hereby permitted shall not commence until the measures set out in the approved scheme have been implemented, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority may give approval for the commencement of development prior to the completion of the remedial

measures when it is deemed necessary to do so in order to complete the agreed remediation scheme. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. This shall be conducted in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development hereby permitted shall not commence until the measures set out in the approved report have been implemented.

REASON: To prevent undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved MDLDP.

- 5 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval.

The written verification shall include that:

- (i) All contaminated material removed from the site is removed by an appropriate licensed contractor to a facility approved by the Environment Agency.
- (ii) All imported material is suitable for its intended use.
- (iii) All agreed remediation measures identified as necessary in the contaminated land assessment have been undertaken to render the site suitable for the use specified.

This must be conducted by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Technical Guidance for Applicants and Developers' and is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent undue risks to human health and the environment as a result of contamination in accordance with policy D2 of the approved MDLDP.

- 6 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.

REASON: In the interests of highway safety in accordance with policy T2 or the approved Maldon District Local Plan.

INFORMATIVES

1. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable

condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

2. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance for Applicants and Developers and UK best-practice guidance.



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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	FUL/MAL/18/01457
Location	Unit 4, Promenade Park, Park Drive, Maldon
Proposal	Change of use of first aid hut into an A3 café.
Applicant	Mr Richard Holmes
Agent	Mr Richard Heard
Target Decision Date	22.02.2019
Case Officer	Louise Staplehurst
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Council application

1. RECOMMENDATION

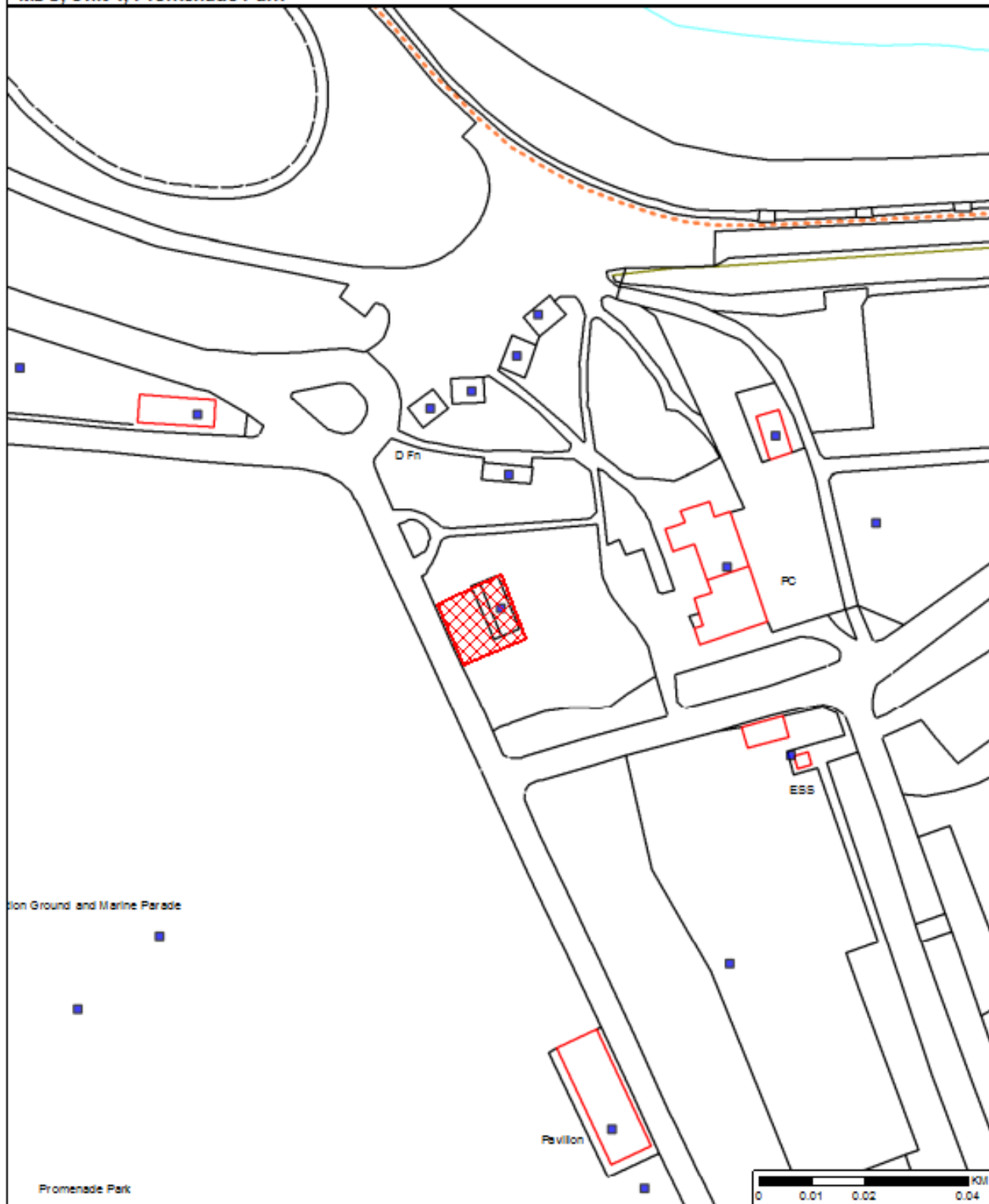
APPROVE subject to the conditions (as detailed in Section 8 of this report).


2. SITE MAP

Please see overleaf.

18/01457/FUL

MDC, Unit 4, Promenade Park



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	29/01/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site lies within Promenade Park to the east of Park Drive, within the development boundary for Maldon and Heybridge. The site also lies within the leisure quarter as identified in the Maldon District Local Development Plan (MDLDP) and the Maldon and Heybridge Central Area Masterplan (CAMp). Promenade Park is a historic park and is a non-designated heritage asset.
- 3.1.2 Planning permission is sought for a change of use class from a first aid building (sui generis) to a café (A3). No external alterations are proposed in this application.
- 3.1.3 Specifically, the unit is currently used as a gallery and the applicant wishes to use it as a café. Before its use as a gallery in May 2018, it was used as a first aid hut and it is that use which is considered to be lawful as no planning application for a Class D use has been submitted and the use has not occurred in excess of 10 years.
- 3.1.4 The waste arrangements will be similar to other surrounding kiosks; the kiosk will have a small waste storage inside the building and a bin to the rear of the building, which will be collected by a Trade Waste Collector. Both the foul drainage and the surface water drainage will be connected to the mains sewer.
- 3.1.5 The proposed hours of opening are 10:00 to 18:00 every day of the week. There is currently 1 full time equivalent member of staff. The proposed café will employ 3 full time equivalent members of staff.

3.2 Conclusion

- 3.2.1 The proposal involves the change of use from a sui generis building to an A3 (café) use. The proposed change of use is not considered to detrimentally impact on the character and appearance of the surrounding area, the amenity of neighbouring occupiers or parking provision and highway safety. The proposal is therefore in accordance with policies D1, D3 and E2 of the MDLDP.

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-design places
- 170-183 Conserving and enhancing the natural environment
- 184-202 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- E1 Employment
- E2 Retail Provision
- E3 Community Services and Facilities
- E5 Tourism
- N3 Open Space, Sport and Leisure
- T1 Sustainable Transport
- T2 Accessibility
- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- 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)
- Maldon Central Area Masterplan (CAMp)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Policy E2 aims to support the provision of retail, office, tourism, cultural and community uses. Although the site is not located within a town centre area, or a primary or secondary area, there are surrounding kiosks being used for similar uses, such as cafes and takeaways. It is not considered that the development is at a scale that would require a retail impact assessment.
- 5.1.2 The application site lies within the Leisure Quarter of the CAMp. The CAMp includes six objectives and eighteen projects. The application site is part of the area affected by project sixteen and the proposal sits comfortably with the project of managing the Promenade Park. Project sixteen is expected to contribute to four objectives of the CAMp. The application is contributing towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.
- 5.1.3 Policy E5 of the LDP states that the Council encourages the provision of tourist facilities and attractions that would provide facilities for residents and attracts visitors to the District. The site is located within Maldon Promenade Park which provides a number of tourist based facilities. It is therefore considered that the development

proposal to use the site as a café would support the existing leisure and recreation facilities within the park. Therefore the principle of development is considered to be acceptable subject to other material considerations which will be discussed below.

5.2 Design and Impact on the Character 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 Maldon District Design Guide (2017).

5.2.5 Policy D3 is also applicable to as Promenade Park is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other aspects, to preserve or enhance its special character,

appearance, setting, including its streetscape and landscape value and any features and fabric of architectural or historic interest.

- 5.2.6 Policy N3 of the LDP states that the Council is committed to protecting and maintaining existing formal and informal open spaces, sports pitches, children's play areas, leisure and recreation facilities, while ensuring all new development contributes towards any identified local needs. The Council's policy is to enable, support and empower communities to be safe, active and healthy, as a corporate priority as well as part of the sustainable community's objectives.
- 5.2.7 There are no external or internal alterations proposed as part of the change of use application and therefore the proposal would not result in demonstrable harm to the character and appearance of the site or the surrounding area.
- 5.2.8 The change of use within this application is therefore considered to accord with this aspect of policy D1, D3 and E2 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 There are public toilets over 33 metres to the east of the site. There are other kiosks, used for the sale of food, a minimum distance of 18 metres north of the site. The immediate surrounding area is grassland, with playing fields to the west of the site.
- 5.3.3 The proposed change of use is not considered to affect the other businesses in the surrounding area, in particular as many also fall under similar A3 or A5 use classes.
- 5.3.4 There are no residential properties within the immediate locality.
- 5.3.5 It is consequently considered that the change of use would not result in an unneighbourly form of development, in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised

that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 Taking into account the adopted parking standards and the size of the building on the site, the proposed use would require 9 parking spaces. No vehicle parking information has been submitted for this application. However the site is located within Maldon Promenade Park, with the promenade car park located southeast of the site. This is considered to provide sufficient parking to manage any increase in demand in parking provision as a result of the proposed change of use.
- 5.4.4 Therefore the proposed change of use is considered to be in accordance with this aspect of policy T2 of the LDP.

5.5 Community Facility

- 5.5.1 Policy E3 aims to retain and enhance the provision of community services and facilities within the District, particularly where they are essential to the local community. Policy E3 states that where a proposal will result in the loss of a community facility, the application should demonstrate that the existing service is not and cannot be made viable.
- 5.5.2 The gallery has been located in the building for 9 months, since May 2018. Whilst it is noted that a gallery could be considered to be a community facility, the gallery at the site does not have planning permission and therefore its use as a gallery is not considered to be lawful. It is noted that supporting comments have been received in relation to the loss of the gallery. However as the use as a gallery is considered unlawful, the loss of the gallery as a community facility is given minimal weight in this assessment.
- 5.5.3 The lawful use of the site is as a first aid facility, which could constitute a community facility. It is noted that the application site is located within the leisure quarter of the CAMp, which aims to increase the vitality of Promenade Park and encourage visitors to the area. The proposed café use would comply with the aims of the CAMp and would encourage visitors to the area and increase the vibrancy of Promenade Park. Therefore, the loss of the first aid facility is not considered to justify the refusal of the application.

5.6 Other Matters

- 5.6.1 The Environmental Health Food Team raised concerns regarding the small size of the kitchen, with a lack of work surfaces and refrigeration facilities. In response to this, the agent confirmed that the kitchen will be fitted out in line with the Food Hygiene Standards. The Food Team has now confirmed they have no objections to the

proposal. The need to meet separate legislation is not a material planning consideration.

- 5.6.2 Conditions regarding the opening hours and hours for deliveries and collections have been included in order to ensure the appropriate use of the site and to protect the amenity of residents located east of Park Drive, adjacent to the vehicle entrance of Promenade Park.
- 5.6.3 No signage has been proposed as part of this application. However any signage at the site will require advert consent.

6. ANY RELEVANT SITE HISTORY

- 6.1 There is no relevant planning history for the kiosk which this application relates to. However the relevant planning history for Promenade Park is set out below.

- **FUL/MAL/96/00254 & CON/MAL/96/00255** – Demolition of existing changing room and erection of plant room/shelter. Repair of sea wall – Approved
- **FUL/MAL/00/00474** – Proposed erection of a bronze Saxon Byrhtnoth statue – Approved
- **FUL/MAL/02/00769** – Demolition of storage sheds and erection of new shed for tractor storage – Approved
- **FUL/MAL/04/00376** – Reconstruction of damaged Sea Wall in order to restore integrity, increase flood protection and provide pedestrian access to river foreshore. Construction of temporary jetties and use of land as temporary stockpile area. – Approved
- **FUL/MAL/04/00894** – Proposed cafeteria/restaurant and life guard station office. – Approved
- **FUL/MAL/04/01260** – Demolition of changing rooms and cricket pavilion and erection on same site of four changing rooms and sports pavilion. – Approved
- **FUL/MAL/05/00017** – Erection of monument to the Battle of Maldon, including bronze sculpture of Byrhtnoth. – Refused
- **FUL/MAL/05/00185** - 1. Reconstruction of sea wall in order to raise flood defence level and maintain stability. 2. Installation of adventure and water play equipment in the valley area. Erect pump house and office store buildings. 3. Reconstruction of boating lake and deposition of excavated materials. – Approved
- **FUL/MAL/05/00490** – Erection of monument to the Battle of Maldon including bronze sculpture of Byrhtnoth – Refused
- **FUL/MAL/06/00747** – Demolition of changing rooms and erection of four changing rooms. – Approved
- **FUL/MAL/07/00346** – Retail sales of shellfish/seafood for on/off site consumption – Approved
- **FUL/MAL/09/00586** – Proposed extension to existing changing facilities at Promenade Park. Extension to accommodate lobby, store and changing rooms with additional showers and w/c's. – Approved
- **FUL/MAL/11/00811** – To increase boundary fence height from 2m to 3m. Increase length to incorporate east, south and partial west boundaries of depot site. Screen fencing by planting mixed native hedging inter-planted with standard native trees. – Approved

- **FUL/MAL/12/00270** – Erection of storage building for maintenance equipment and members changing room facility – Approved
- **FUL/MAL/14/00240** – Installation of 8 no. beach huts for leisure and recreational use – Approved
- **FUL/MAL/16/00629** – Temporary planning permission for two catering units – Approved
- **FUL/MAL/18/00480** – Use of land for the temporary siting of a mobile food and drink kiosk – Refused
- **FUL/MAL/18/00481** – Use of land for the provision of mobile play equipment (e.g. 4-person bungee trampoline) – Temporary Planning Permission – 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 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Environmental Health	<p>No observations on the proposed change of use in relation to noise and odours.</p> <p>The food team may have concerns regarding the use of the hut as a food premises.</p>	Comments noted.
Environmental Health Food Team	<p>Kitchen is small with no sink, little work surface space for food preparation and is there any refrigeration facilities?</p> <p>Following on from the above response, the agent has confirmed that the kitchen will be fitted out in line Food Hygiene Standards, therefore there are no objections to this proposal.</p>	Comments noted.

Name of Internal Consultee	Comment	Officer Response
Economic Development	Recommend approval as it will contribute to the economic income of the Maldon District and create additional jobs.	Comments noted.
Conservation Officer	The change of use will have no impact on the setting of the Maldon Conservation Area, or the significance of the Promenade Park as a historic designated landscape.	Comments noted.

7.3 Representations received from Interested Parties

- 7.3.1 23 letters have been received objecting to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> Object to the change of use of the gallery. 	The gallery is not the lawful use of the site.
<ul style="list-style-type: none"> Maldon needs gallery workshops like this as there is little on offer. It is a unique business. The gallery is of more value to Maldon than a café. 	Comments noted. The gallery is not the lawful use of the site.
<ul style="list-style-type: none"> The gallery brings art to the community and promotes the wellbeing of individuals as well as attracting visitors to the area. 	Comments noted. The gallery is not the lawful use of the site.
<ul style="list-style-type: none"> It shouldn't just be about economics. The Council should support cultural facilities such as the gallery rather than removing it. 	Comments noted.
<ul style="list-style-type: none"> Another café would be unfair to existing food and drink outlets. There are plenty of cafes and food outlets. 	This is not a material planning consideration.
<ul style="list-style-type: none"> The owners of the gallery were not consulted. 	Comments noted.
<ul style="list-style-type: none"> Most of the food outlets serve unhealthy food. 	This is not a material planning consideration.

<ul style="list-style-type: none"> • Rubbish from food outlets pollutes the area. 	This is not a material planning consideration.
<ul style="list-style-type: none"> • Environmental Health has raised concerns over the suitability of the building as a food premises. 	Although the Environmental Health Food Team raised some concerns, these were addressed after speaking with the agent.
<ul style="list-style-type: none"> • The application was advertised as a first aid hut rather than the gallery. 	The proposal on the application form stated the building was used as a first aid hut. The gallery is not the lawful use of the site.
<ul style="list-style-type: none"> • Another café will contribute towards the obesity crisis 	This is not a material planning consideration
<ul style="list-style-type: none"> • We should expand the facilities in the area to give better careers to youngsters. 	Comments noted.
<ul style="list-style-type: none"> • Before being a gallery, the building was run down. 	Comments noted.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the following documents: ATS/522/11, ATS/522/12, ATS/522/13, ATS/522/14.
REASON To ensure that the development is carried out in accordance with the details as approved, in accordance with National Planning Policy Framework and policy D1 of the Maldon District Local Development Plan.
- 3 The use hereby permitted shall only be undertaken between 10:00 hours and 18:00 hours on Monday to Sunday.
REASON To ensure the appropriate use of the site in accordance with policy D1 of the Maldon District Local Development Plan.
- 4 Deliveries to and collections from the site shall only be undertaken between 08:00 hours and 18:00 hours on weekdays and between 08:00 hours and 13:00 hours on Saturdays and not at any time on Sundays and Public Holidays.
REASON To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 5 No goods, materials, plant, machinery, skips, containers, packaging or other similar items shall be stored or kept outside of the building.
REASON To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.
- 6 No means of external illumination of the site shall be installed unless otherwise agreed in writing by the Local Planning Authority.
REASON To protect the amenity of the surrounding area, in accordance with policy D1 of the Maldon District Local Development Plan.

INFORMATIVE

- 1 No external alterations are shown on the plans submitted under this application. Please note that any alterations to provide extraction or ventilation will require planning permission.
- 2 Please note that any signage proposed at the site will require advert consent.



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

**to
CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	ADV/MAL/18/01473
Location	The Promenade Park Drive Maldon
Proposal	Illuminated sign.
Applicant	Maldon District Council
Agent	-
Target Decision Date	28.02.2019
Case Officer	Spyros Mouratidis
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Council Owned Land Council application

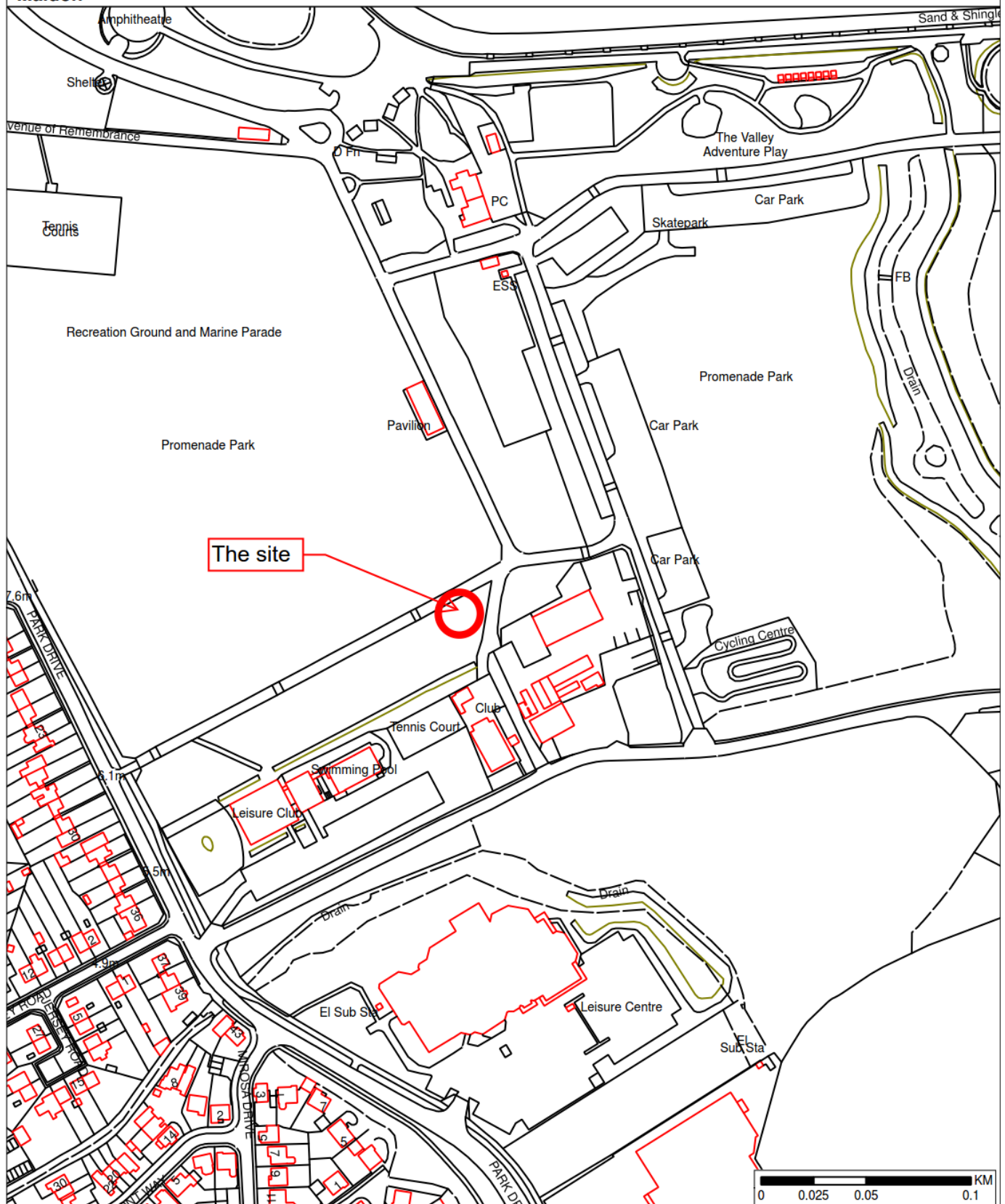
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

18/01473/ADV - The Promenade Park Maldon



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 28/01/2019

MSA Number: 100018588

Agenda Item no. 8

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Advertisement consent is sought for the display of a digital, internally illuminated sign in the Promenade Park, by the vehicular access road to the park. The sign has already been installed and displays functional information about the Local Authority's activities under the deemed consent granted by the Advertisement Regulations. Maldon District Council (the "Council") now wishes to use the sign to advertise activities of other organisations and individuals and as such there is the need for express advertisement consent to be granted by the Local Planning Authority (LPA). The sign measures 2m wide by 1.1m high and is displayed at 0.9m above the ground level.

3.1.2 The Application Site lies within Promenade Park to the east of Park Drive, within the leisure quarter as identified in the Maldon District Local Development Plan (LDLDP) and the Maldon and Heybridge Central Area Masterplan (CAMP). Promenade Park is a historic park and is a non-designated heritage asset. There is a road adjacent to the location of the advertisement which leads to the car parks in the Promenade and the rear part of the Maldon and Burnham Sea Cadets.

3.2 Conclusion

3.2.1 The application is for an existing sign which could stay in the location lawfully if only functional messages from the Council were to be displayed. The additional advertising messages would not be detrimentally harmful to the amenity of the area or the public safety. No adverse effect has been identified to the character and appearance of the area or highway safety and the significance of the non-designated heritage asset would be preserved. Overall, having regard to all material planning considerations, the advertisement is in line with local policies S1, S5, D3 and D6 of the approved Local Development Plan (LDP), the national policies contained in the National Planning Policy Framework (NPPF) and the guidance contained in the Maldon and Heybridge Central Area Masterplan SPD, the Maldon District Design Guide (MDDG) SPD and the Planning Practice Guidance.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework (NPPF) 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
- 54-57 Planning conditions and obligations
- 80-84 Building a strong, competitive economy
- 85-90 Ensuring the vitality of town centres

- 102-111 Promoting sustainable transport
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- S5 The Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D6 Advertisements
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon and Heybridge Central Area Masterplan SPD (CAMp)
- Maldon District Design Guide SPD (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Advertisements are controlled only with reference to their effect on amenity and public safety in accordance with Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). The NPPF and PPG 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.

5.1.2 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:

- “1) The design, materials and location of the advertisement respects the scale and character of the building in which it is situated, the surrounding areas, and other advertisements within the area;*
- 2) Any proposals will not result in a cluttered street scene, excessive signage, or proliferation of signs advertising a single site or enterprise;*
- 3) Consent for signs to be illuminated will be considered in relation to impact on visual amenity, potential light pollution and road safety. Internally illuminated signs will not be permitted where the use and design of illuminated signage would cause harm to the special character and appearance of listed buildings and conservation areas;*

4) Where an advertisement is situated in a location remote from the business being advertised, permission will only be granted where it is demonstrated that there is no unacceptable harm to the amenity of the area.”

- 5.1.3 The Application site lies within the Leisure Quarter of the CAMp. The CAMp includes six objectives and eighteen (18) projects. The Application Site is part of the area affected by project 16 and the proposal sits comfortably with the project of managing the Promenade Park. Project 16 is expected to contribute to four objectives of the CAMp. The application is contributing towards objective CA3 which seeks to promote the Maldon Central Area as a focus for culture and visitor attractions.
- 5.1.4 The principle of displaying an advertisement which will update visitors of the park about the activities of the Council and other organisations within the park and the district is considered to be acceptable. An assessment of the impact of the proposal on amenity and public safety, as well as other material planning considerations will be discussed in the following sections of the report.
- 5.1.5 It should be noted that Class 1 of Part 1 of Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended any functional advertisements of government departments and their agencies, local authorities, public transport undertakers, statutory undertakers and Transport for London which is reasonably required to be displayed for the safe or efficient performance of those functions, or operation of that undertaking, and cannot be displayed by virtue of any other specified class benefits from deemed consent. It is considered that the sign was originally erected and displayed lawfully under the provisions of this class. The need for the express consent by the LPA arises because other messages from other organisations will be displayed.

5.2 Impact on Amenity

- 5.2.1 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.
- 5.2.2 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.
- 5.2.3 It should be noted that good design is fundamental to high quality new advertisements 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.”
- 5.2.4 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:-

- 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.

5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017). As already stated in section 5.1 of the report, policy D6 sets out criteria for the consideration of advertisements in relation to amenity. The criteria were quoted at paragraph 5.1.2 of the report.

5.2.6 Promenade Park is a non-designated heritage asset. According to policy D3, development proposals that affect a heritage asset will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest. When considering the impact of a proposed development on the significance of a designated heritage asset, the LPA will give great weight to the asset's conservation. Any harm or loss will require clear and convincing justification. 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.

5.2.7 The design of the advertisement is rudimentary as it is a digital sign which means its design is no different to a big black screen and will be internally illuminated. The sign, being located at the side of the main vehicular entrance of the park is optimizing the communication of information. It is considered that the design, materials and location of the sign are not detrimentally harmful to the character of the historic park despite its utilitarian and contemporary design which is conflicting with the traditional character of the park. Moreover, the prime location of the sign would minimise the need for additional advertising as this sign can accommodate a large number of advertising messages. It is not considered that the illumination of the sign is causing any detrimental harm to the amenity of the area in terms of visual amenity or light pollution.

5.2.8 It should be noted that the application is for an existing sign which could stay in the location lawfully if just the functional messages from the Council were to be displayed. Hence, the additional advertising messages would not be detrimentally harmful to the amenity of the area.

5.3 Public Safety

5.3.1 Factors relating to public safety, in this case, would be principally concerned with highway safety. Policy D6 of the LDP states that consent will only be given to signs

that respect the interest of public safety. 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.

- 5.3.2 All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. If it can be demonstrated that signs would be confused with traffic or directional signals or the visibility of drivers is impaired, an application may be refused.
- 5.3.3 The sign is located adjacent to a one-way, low-speed road leading from Park Drive to the car parking of the Promenade Park. It is sited more than 300m away from the entrance of the park. It is considered that the advert is of a design which is simple, clear and legible, and in a position, so that it is unlikely to result in confusion or delay of passing traffic to the detriment of highway safety. It is, therefore, unlikely that any adverse impact on the public safety will be caused by the advertisement.
- 5.3.4 As already stated the application is for an existing sign. If the Council wished to display only messages in relation to its functions the sign would not have required expressed consent and could stay in the location anyway. Hence, the additional advertising messages would not be detrimentally harmful to the public safety.

5.4 Other Material Considerations

Planning balance

- 5.4.1 The advertisement is viewed in the context of the park and would be beneficial to businesses, the Council and its partners, and the members of public which would be receiving the information from the sign. No adverse effect has been identified to the character and appearance of the area or the highway safety, and the significance of the non-designated heritage asset would be preserved. Furthermore, the sign could remain if the Council wanted to display just functional messages. Overall, having regard to all material planning considerations, the advertisement is in line with local policies S1, S5, D3 and D6 of the approved LDP, the national policies contained in the NPPF and the guidance contained in the Maldon and Heybridge Central Area Masterplan SPD, the MDDG SPD and the Planning Practice Guidance.

6. ANY RELEVANT SITE HISTORY

- There is no relevant planning history

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>Object - on the basis of the harm which the sign causes to the character of the park as a non-designated heritage asset.</p> <p>Opened in 1885 the park has evolved the years but maintains something of its character as a Victorian park. Most of the new modern buildings and structures are broadly traditional in form and materials. The illuminated digital sign is quite an incongruous and garish feature at odds with the traditional character of the Victorian park. While the harm it causes is localised, it is made worse by the fact that it is one of the first things many visitors see.</p>	Comments noted. Please see section 5.2 of the report. It should be noted that the sign was installed on site lawfully and could remain on site without the need for advertisement consent by the Local Planning Authority if the Council would decide to display messages about its functions.

7.3 Representations received from Interested Parties

7.3.1 No representation was received for the application.

8. PROPOSED CONDITIONS

- 1 The express consent hereby granted shall be for a period of 5 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:
- endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military)
 - obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - 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 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 luminance levels of the advertisement should not exceed 600cd/m².
- REASON** To ensure that the development is carried out in accordance with the details as approved and to avoid any adverse impact to the amenity of the area or the public safety in line with policy D6 of the approved LDP.

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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	HOUSE/MAL/18/01503
Location	Beacon House, 36 Acacia Drive, Maldon
Proposal	Resubmission of HOUSE/MAL/18/01274 for two storey side extension, single storey front extension and widening of existing drive with porous material.
Applicant	Mr & Mrs Grimwade
Agent	Kevin Green – Anglia Design Services
Target Decision Date	22/02/2019
Case Officer	Louise Staplehurst
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In Councillor Mrs N G F Shaughnessy Reason: Request of applicant and in the public interest

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

18/01503/HOUSE

Beacon House, 36 Acacia Drive, Maldon

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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,877

Organisation: Maldon District Council

Department: Department

Comments: Central Planning Committee

Date: 28/01/2019

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1 The application site is located south of Acacia Drive, within the settlement boundary of Maldon. The site is occupied by a two storey semi-detached dwelling. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 The proposal includes the construction of a part two storey part single storey side extension and a single storey front porch extension. There will also be a new window to the rear elevation of the existing dwelling.
- 3.1.3 The proposed two storey side extension will measure 4.2 metres wide, 7 metres deep, 4.7 metres high to the eaves and 8.7 metres high overall. There will be a further 1 metre deep, 4.2 metre wide single storey projection to the side of the existing dwelling. This will measure 2.3 metres high to the eaves and 3.4 metres high overall.
- 3.1.4 The proposed single storey front porch extension will measure 3.2 metres wide, 1.8 metres deep, 2.3 metres high to the eaves and 3.4 metres high overall. There will be a further 2 metre wide, 0.6 metre deep covered porch projection to the front of the front door.
- 3.1.5 In terms of materials, the walls will be made of brick, the roof will be made of clay roof tiles and the windows and doors will use white UPVC. All materials will match the existing dwelling.
- 3.1.6 It is noted that this application is a resubmission of a previously refused application for a similar development. The reasons for refusal were:
- 1 *‘The proposed side extension, by reason of its scale and bulk, is considered to be a visually dominant and incongruous addition which will not be subservient to the host dwelling and would cause detrimental harm to the character and appearance of the existing dwelling, the streetscene and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework and policies D1 and H4 of the Maldon District Local Development Plan.’*
- 2 *‘The proposed development will result in an unacceptable level of on-site car parking provision, for a four bedroom dwelling, which is likely to result in on-street parking to the detriment of pedestrian and highway safety and the free flow of traffic, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’*
- 3.1.7 The amendments to this application consist of the enlargement of the paved area on the driveway to provide three parking spaces. Furthermore, the overall roof height of the two storey side extension has been lowered and it has been set back from the principal elevation.

3.2 Conclusion

- 3.2.1 The proposed extensions are not considered to result in an unacceptable impact on the residential amenity of neighbouring occupiers, by way of overlooking or overshadowing. Furthermore, the proposal is considered to be acceptable in terms of parking provision and private amenity space. However, the proposed extension, by way of its scale, bulk and design, is considered to be a dominant and visually incongruous addition which would cause harm to the existing dwelling and the surrounding area. The proposal is therefore considered to be contrary to policies D1 and H4 of the Maldon District Local Development Plan (MDLDP) and the 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 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

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.

5.2 Design and Impact on the Character 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 seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental in creating better places to live 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The proposed development would significantly change the appearance of the existing dwelling and would be visible from the highway. The plot is located in reasonably close proximity to a junction and is therefore visible from Acacia Drive and Granger Avenue. The dwelling is situated further forward on the plot compared to the neighbour to the east. Due to this, and the positioning of the plot, the proposed development would have a significant impact on the streetscene.
- 5.2.6 The proposed development would result in a significantly larger dwelling, with an overall width of 10.6 metres. Overall, the resultant dwelling would span almost the

entire width of the application site, which would result in a cramped and overdeveloped site.

- 5.2.7 The proposed part two storey part single storey side extension is considered to be an unacceptably large addition as it will measure over half the width of the existing dwelling. The two storey element of the extension is set back from the principal elevation by 1 metre, but the single storey element will be level with the principal elevation. The eaves height of the proposed extension would match the existing dwelling and the overall hipped roof style would be set 0.4 metres lower than the ridge height of the host dwelling. Although it will be set lower than the host dwelling, due to its width and depth, it is considered that the proposed extension would dominate the existing built form and would not appear as a subservient addition, resulting in a substantial impact on the surrounding streetscene on Granger Avenue and Acacia Drive. Due to the width and depth, it is considered to be out of proportion with the host dwelling and would harm the character and appearance of the locality. Furthermore, the dwelling is one of a pair of semi-detached properties and therefore the proposed side extension would result in a significantly out of proportion development in relation to the adjoining neighbour. Given the height, width and depth of the extension, it is considered to appear bulky and dominant when viewed against the existing dwelling, to the detriment of the character and appearance of the dwelling.
- 5.2.8 The proposed single storey porch extension to the front of the existing dwelling is considered to be of a typical style and design for a residential dwelling. A porch extension is considered to be an acceptable addition to the front of a dwelling. Furthermore, there is an extant permission for a front porch of similar proportions, which provides a fallback position of some relevance.
- 5.2.9 There is no objection to the additional obscure glazed window to the rear as it would be in keeping with the dwelling to an acceptable degree. Furthermore, this is likely to be able to be undertaken using permitted development rights, which provides a fallback position of some relevance, and therefore there is no objection to this element of the proposal.
- 5.2.10 In terms of its materials, these will all match the existing dwelling and therefore there is no objection to these.
- 5.2.11 It is considered that the proposed single storey porch and new window are acceptable additions. However the proposed part two storey part single storey side extension is considered to result in a dominant and incongruous addition which would cause detrimental harm to the character and appearance of the existing dwelling and the surrounding area. The proposed amendments to this application are not considered to overcome the concerns raised in the previous application. The proposal is therefore contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

- 5.3.2 The neighbouring dwelling to the east, No.2 Granger Avenue, is located 1.7 metres from the proposed extension. The proposed extension is in close proximity to the boundary with the neighbour, at the closest point. The two storey element projects 4.4 metres forward of the neighbouring dwelling; the single storey element projecting 1 metre further forward. The neighbour has a single storey detached garage along the shared boundary. There is one window on the east elevation of the proposed extension at ground floor level. Due to its location, and the fence and garage located along the shared boundary, the window will not result in a loss of privacy to an extent that would justify the refusal of the application. There are no windows on the east side elevation of the neighbouring dwelling. There may be some loss of light to the windows on the principal elevation due to the positioning of the extension forward of the neighbouring dwelling. However due to the 2 metre separation distance between the proposed extension and the principal elevation of the neighbouring dwelling, the proposed extension is not considered to result in a level of overshadowing that would justify the refusal of the application. The proposed single storey element will be located 0.6 metres from the shared boundary with the neighbouring dwelling. There will be no windows on the elevation facing the neighbour. Due to this, its single storey nature, and its location 5.2 metres away from the neighbouring dwelling, it is not considered to result in overlooking or overshadowing to an extent that would justify the refusal of the application. In addition, it will be mostly shielded from views from the neighbouring dwelling by the garage on the neighbouring site. The proposed porch extension will not be visible from this neighbouring dwelling and therefore it will not impact upon the residential amenity of this neighbour.
- 5.3.3 The neighbouring dwelling to the south west adjoins the dwelling on the application site. The proposed part two storey part single storey side extension is located on the east elevation of the dwelling on the application site and will therefore not be visible from within the neighbouring property. The single storey porch will be located 3 metres from the neighbouring dwelling. There will be no windows on the south west elevation facing the neighbour. Due to this, and its single storey nature, it is not considered to result in overshadowing or overlooking to an extent that would justify the refusal of the application.
- 5.3.4 The proposed extension will be located 50 metres from the rear boundary and will therefore not result in a demonstrable impact on the residential amenity of the occupiers to the south of the site. Furthermore, the outlook from the additional windows is not considered to be materially different from the existing windows.
- 5.3.5 The dwellings across the road are located 32 metres from the proposed extension. Due to the separation distance, it is not considered to result in an overbearing development. Furthermore, the outlook from the additional windows is not considered to be materially different from the existing windows.
- 5.3.6 All other dwellings are located at a distance where the extension will not impact on their residential amenity.
- 5.3.7 It is consequently considered that the proposal will not detrimentally impact upon the residential amenity of neighbouring occupiers and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed extension will result in one additional bedroom, increasing the number of bedrooms from three to four. The adopted Vehicle Parking Standards require a four bedroom dwelling to have provision for a minimum of three parking spaces, measuring 2.9 metres wide and 5.5 metres deep. The driveway is being increased in size to create space for three parking spaces and therefore there will be sufficient parking provision at the site.
- 5.4.4 The proposed amendments in this application are considered to overcome the concerns raised in the previous application in relation to parking provision. Therefore the proposal is considered to be in accordance with this aspect of policy D1 and T2 of the LDP.

5.5 Private Amenity Space and Landscaping

- 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.5.2 The proposed extension will result in a minor loss of side garden. However the private amenity space will remain in excess of 500 square metres and therefore there is no objection in relation to the provision of private amenity space.

5.6 Other Matters

- 5.6.1 The applicant's submissions include details of how the extension would be beneficial to their disabled child. Whilst the Council is sympathetic to the applicant's situation, it is considered that this justification does not outweigh the harm that has been identified above. Whilst the correlation of these submissions with the proposed ground floor accommodation (sensory room and wet room) is understood, it is not clear how this justification applies to the proposed master bedroom, dressing room and ensuite at first floor level. Furthermore, it should be noted that the alterations under this application have had a greater impact on the ground floor accommodation than the first floor accommodation.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/96/00734** - Demolition of existing garage and erection of new garage incorporating WC – Approved
- **FUL/MAL/99/00880** – Proposed rear extension – Approved
- **HOUSE/MAL/14/01140** – Conversion of detached garage into habitable accommodation (bedroom). Wooden double doors to be internally boarded. No exterior changes to existing structure – Approved
- **HOUSE/MAL/17/01395** – Single story extension at front of property for porch and WC – Approved
- **HOUSE/MAL/18/01274** – Two storey side extension together with single storey front extension – Refuse

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 of this application on the grounds of extenuating medical circumstances.	Comments noted.

7.2 Representations received from Interested Parties

- 7.2.1 No letters of representation have been received in relation to this application.

8. REASON FOR REFUSAL

- 1 The proposed extension, by reason of its scale, bulk and design, is considered to result in an incongruous and dominant addition which is considered to cause harm to the character and appearance of the existing dwelling and surrounding locality. The proposal is therefore contrary to policies D1 and H4 of the MDLDP and the guidance contained within the NPPF.

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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Application Number	FUL/MAL/18/01516
Location	Land rear of 63 High Street Maldon Essex
Proposal	Proposed new open cart lodge extension
Applicant	Mr & Mrs Salisbury
Agent	Ashley Robinson
Target Decision Date	27 February 2019
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call in by Councillor Pearlman as he feels this application is in keeping with the surroundings.

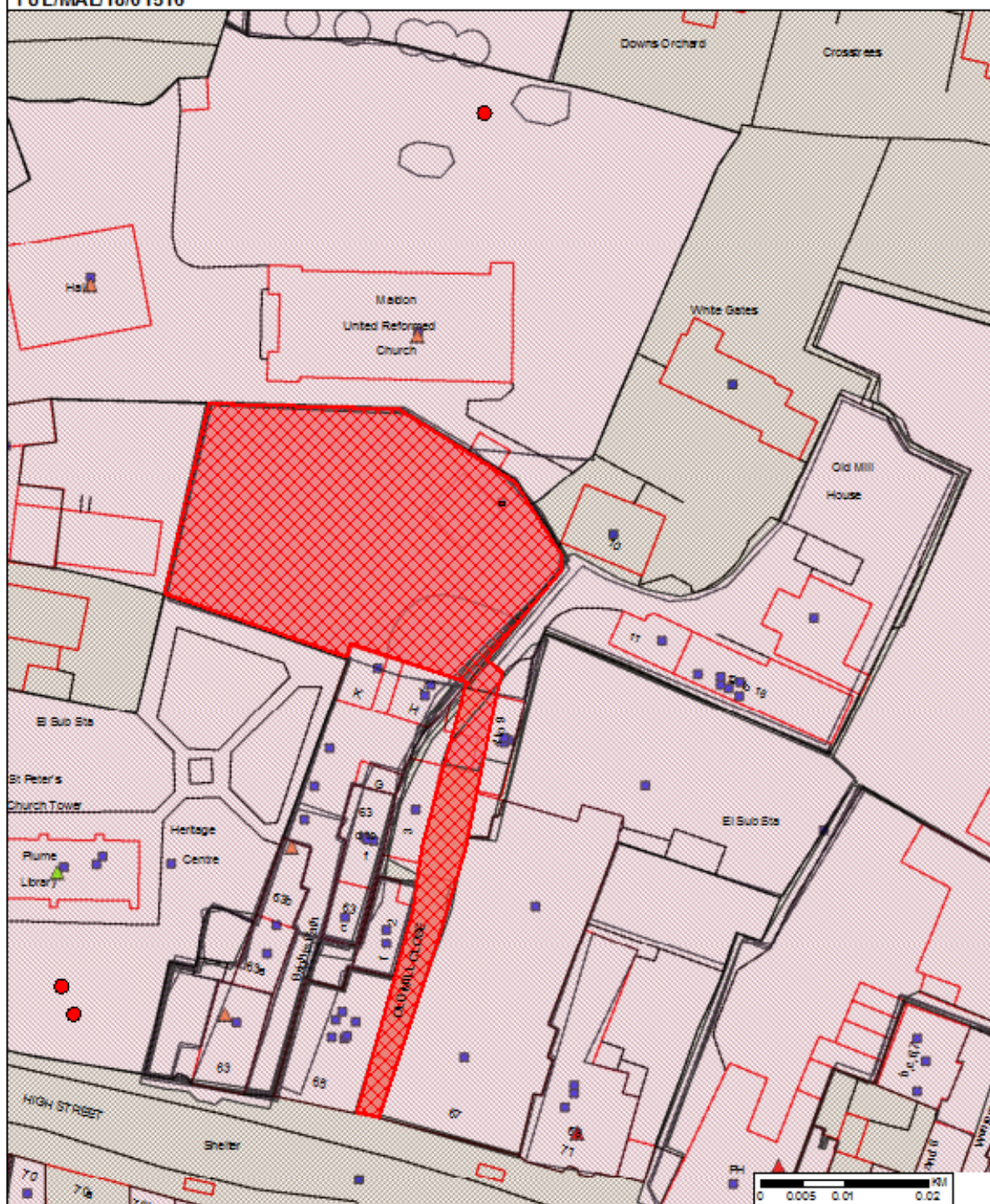
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Land rear of 63 High Street, Maldon
FUL/MAL/18/01516



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	04/02/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located within a mixed use area within the Maldon Conservation Area and the Maldon and Heybridge Central Area identified in the Maldon District Approved Local Development Plan (MDALDP). The site is associated with but detached from the existing residential property, 63 High Street which is a Grade II listed building located at the southern end of the neighbouring Bright's Path.
- 3.1.2 The proposal is a new open cart lodge extension to the existing outbuilding granted planning permission under reference FUL/MAL/15/00379. Condition 6 of this planning permission limits the use of the outbuilding (see below). The extension would be 6.1m in width, 5.5m in depth and 4.5m in height to the ridge. The extension would be open on two sides; a rear wall is proposed, and one side would be attached to the existing outbuilding. The external surfaces would be finished using natural slate and timber weather boarding with cast iron rainwater goods. Vehicular access to the site is from the High Street via the existing vehicular access from Old Mill Close located to the south-east of the existing building. It is understood that the cart lodge would only be used for parking domestic vehicles in conjunction with the residential occupation of 63 High Street, Maldon.
- 3.1.3 The application has been accompanied by a Design and Access Statement. The conclusion of the submitted Biodiversity checklist and bat declaration is that the proposal would not generate any adverse issues with respect to biodiversity.

3.2 Conclusion

- 3.2.1 The proposed extension would be acceptable in principle and would not cause harm to the character or appearance of the Conservation Area or the setting of any listed buildings. The proposal would also not cause harm to the amenity of the occupiers of neighbouring residential properties or raise adverse issues with respect to access/parking/highway safety. The application is, therefore, recommended for approval, subject to conditions.

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

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 (including the Conservation Area and the setting of the listed buildings), any impact on the amenity of the occupiers of neighbouring residential properties and access/highway safety.

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 extending an existing residential outbuilding is not unacceptable in principle, subject to an assessment of the proposal as set out below.

- 5.2.4 It is noted that the application site is detached from the host dwelling, which is also outside the application site. Condition 6 of the 2015 permission addressed this and ensured a tie exists between the building and the dwelling. It is considered appropriate to impose a similar condition in this case.

5.3 Design and Impact on the Character of the Area

- 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 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:

“This proposal will affect the Maldon Conservation Area. Although there are listed buildings nearby, none would be affected by the development.

I am slightly concerned that having the proposed cartlodge physically attached to the garden room will create quite a large building in total, the form of which resembles a small house. However, the proposed open-sided cartlodge is not very tall and would not be a particularly prominent addition to the area. The traditional form and materials are broadly in keeping with the architectural character of the area. Overall I consider that it would have neutral impact upon the special character of the conservation area.”

- 5.3.8 The proposed extension would be limited in its size and height compared to the existing building and others within the vicinity of the site, and would be in a corner of the site. The Conservation Officer has raised no objection to the proposal. Based on this, it is considered that the extended building would not be conspicuous or incongruous within its surroundings and would not cause harm to the character and appearance of the Conservation Area or the setting of any listed building. It is recommended that conditions are imposed requiring details of any works required to existing trees as well as tree protection measures in relation to the existing trees along the boundaries of the site (one of which would partly overhang the proposed cart lodge) and to require the submission of samples of external materials for approval, in the interests of the character and appearance of the Conservation Area.
- 5.3.9 The Town Council has recommended refusal on the basis that the development would lead to overdevelopment of the site. However, the proposed extension would only use a very small part of the 0.1ha application site and so it is not considered that the development would result in over-development.

- 5.3.10 The proposal is, therefore, considered to maintain the character and appearance of the Conservation Area and is in accordance with the abovementioned local plan policies.

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 The nearest neighbouring residential property is located immediately beyond the north-eastern corner of the application site where the proposed extension would be constructed. However, the extension would be set off the boundary by at least 2.8m and due to it being single storey in height with a roof which would slope away from this neighbouring property, it is considered that the development would not have an adverse impact on the amenity of the occupiers of this neighbouring dwelling by reason of privacy, overlooking, outlook, light, visual impact, daylight and sunlight. The proposal would not have an adverse impact due to noise, smell or pollution as a result of the nature and scale of the development proposed.
- 5.4.3 Planning permission was granted for the existing outbuilding (reference FUL/MAL/15/00379) subject to a condition that the building was only used in association with the garden area and for those purposes incidental to the enjoyment of residents of 63 High Street and the residents and employees of the units within the curtilage of 63 High Street and not for any other purpose including commercial or business purposes or for any overnight sleeping purposes. It is considered necessary for a condition to be imposed on any planning permission for the extension proposed, to limit the use of the cart lodge to purposes incidental to the enjoyment of residents of 63 High Street, in the interests of the amenity of neighbouring residents.

5.5 Access, Parking and Highway Safety

- 5.5.1 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.
- 5.5.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards.
- 5.5.3 The proposed cart lodge would be accessed via an existing vehicle access from Old Mill Close and would be constructed adjacent to an existing area of hardstanding. The Vehicle Parking Standards require a car port for 1 car to have minimum internal dimensions of 3m x 6m. The internal dimensions of each parking space within the proposed car port would be below these minimum dimensions but, as the cart lodge is not required to contribute towards meeting the off-street parking requirements for 63 High Street, this deficiency is not a reason for refusal in this case.

5.5.4 The Highways Officer has raised no objections, subject to a condition that all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic is undertaken within the application site, clear of the public highway.

5.5.5 Based on the above and subject to the imposition of the condition as recommended by the Highways Officer, it is considered that the proposal would not raise adverse issues regarding access, parking or highway safety.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/15/00379** - Proposed single storey outbuilding. Approved 12.06.2015
- **LBC/MAL/15/00381** - Proposed single storey outbuilding. Approved 12.06.2015

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 refusal as would result in overdevelopment of site	Noted – refer to section 5.3 of report

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Officer	No objection subject to condition requiring that all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic is undertaken within the application site, clear of the public highway	Noted – refer to section 5.5 of report
Essex County Archaeology	No response	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objection	Noted -refer to section 5.3 of report
Environmental Health	No response	

7.4 Representations received from Interested Parties

7.4.1 No letters of representation have been received.

8. PROPOSED CONDITIONS

8.1 Pre-Commencement Conditions

8.1.1 One pre-commencement condition is recommended (condition 5) and the applicant/agent was written to on 05.02.2019 to advise of the intention to use this condition. If no response is received or no objection raised to the condition by 19.02.2019 the Local Planning Authority is able to impose the suggested condition.

8.1.2 It is considered that the pre-commencement condition is necessary on the grounds that, without it, there is potential for harm to be caused to the character and appearance of the Conservation Area due to damage to the existing trees.

8.2 Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: drawing 1 rev.A
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The development hereby permitted shall only be used in association with the garden area and for those purposes incidental to the enjoyment of residents of 63 High Street and not for any other purpose including commercial or business purpose.
REASON To protect the amenities of the occupants of neighbouring dwellings in accordance with Policy D1 of the MDALDP and the NPPF.
- 4 All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with Policy T2 of the MDALDP.
- 5 No development shall take place until details have been submitted and approved in writing by the Local Planning Authority in accordance with the

requirements of BS5837:2012 in relation to tree retention and protection as follows:

- Tree survey detailing works required;
- Trees to be retained;
- Tree retention protection plan;
- Tree constraints plan;
- Arboricultural implication assessment;
- Arboricultural method statement (including drainage service runs, construction of hard surfaces, protective fencing and ground protection).

The development shall be carried-out in accordance with the approved details.

REASON To secure the retention of the trees within the site in the interests of visual amenity and the character of the area in accordance with policies D1, H4 and D3 of the MDALDP.

- 6 No development shall take place above slab level until samples of the external materials to be used in the construction of the cart lodge have been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details.

REASON In the interests of the character and appearance of the Conservation Area, in accordance with Policies D1, D3 and H4 of the MDALDP.



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

to
**CENTRAL AREA PLANNING COMMITTEE
20 FEBRUARY 2019**

Tree Preservation Order	TPO12/18
Location	Unity, Tenterfield Road, Maldon
Proposal	Confirmation of TPO 12/18
Owner	Mr. Mark Powell
Confirmation by	24.04.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Decision on confirmation of a Tree Preservation Order as per the Council's scheme of delegation

1. RECOMMENDATION

CONFIRM Tree Preservation Order (TPO) 12/18 without any modifications.

2. SITE MAP

Please see overleaf.

Tree Preservation Order		Details	
TPO 12/18 T1 - Judas			
<p>Army Cadet Centre</p> <p>16 to 22</p> <p>Unity</p> <p>10</p> <p>53</p> <p>41</p> <p>63</p> <p>53</p> <p>41</p> <p>63</p>		<p>Copper Beech</p> <p>Suriname</p> <p>10</p> <p>53</p> <p>41</p> <p>63</p> <p>53</p> <p>41</p> <p>63</p>	
<p>www.maldon.gov.uk</p>		<p>Scale: 1:400</p> <p>Organisation: Maldon District Council</p> <p>Department: Department</p> <p>Comments: Unity, Tenterfield Road</p> <p>Date: 29/01/2019</p> <p>MSA Number: 100018588</p>	

3. SUMMARY

3.1 In September 2018, the Council received a notification under the terms of Section 211 of the Town and Country Planning Act 1990, to undertake works to a tree within a Conservation Area. The notification proposed to fell the Judas tree growing in the front garden of Unity, Tenterfield Road, Maldon. The proposed removal of the tree was considered to materially impact on the amenity of the area. Therefore, a Tree Evaluation Method For Preservation Orders (TEMPO) assessment, which is a professionally and nationally accepted system of scoring the amenity value of a tree, was carried out. The TEMPO assessment scored the tree 16 out of 25 and concluded that the tree was worthy of a Tree Preservation Order (TPO). Therefore, a TPO was served on 24 October 2018.

3.2 Two objections have been received relating to the serving of TPO 12/18 and they have not been resolved, and therefore the question of whether or not to confirm the TPO has been brought before members to decide.

3.3 The Site

3.3.1 The Judas tree is located within the front garden of Unity, Tenterfield Road, Maldon, adjacent to Tenterfield Road. The site is within the settlement boundary and conservation area of Maldon.

3.3.2 The site is located north of Tenterfield Road. The tree is positioned within an open location within the front garden on the site and therefore it is highly visible from within Tenterfield Road and from the footpath to the west, Chequers Lane.

3.3.3 The location of the tree to the front of the site, and its mature, unique and attractive nature, means that the tree plays a significant role within the streetscene.

3.4 Ownership

3.4.1 The tree is within the property of Unity, Tenterfield Road, which is known to be owned by Mr Mark Powell.

4. MAIN RELEVANT POLICIES

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

4.1 Corporate Plan 2015-2019:

- Corporate Goals: 2. Protecting and shaping the District – 2.b. Protection and enhancement of the District's distinctive character, natural environment and heritage assets.

4.2 Relevant Planning Guidance / Documents:

- National Planning Policy Guidance (NPPG)

4.3 Government Guidelines:

- 4.3.1 Government guidelines advise that: The LPA is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.
- 4.3.2 If Members decide to Confirm TPO 12/18, the owners have the right to make an application to the High Court to challenge the validity of the TPO. There are specific grounds on which this application must be made:
 - 1. that the TPO is not within the powers of the Act, or
 - 2. that the requirements of the Act or Regulations have not been complied with in relation to the TPO.
- 4.3.3 There are costs involved in this procedure which can be awarded. An application must be made within six weeks of the date the TPO is confirmed.

5. MAIN CONSIDERATIONS

- 5.1 The T1 Judas is located to the front of Unity, Tenterfield Road. It is a relatively large tree which is situated within an open location to the front of the site and is therefore highly visible from the public realm within Tenterfield Road, and from the footpath to the west, Chequers Lane. The T1 Judas tree is therefore considered to hold significant amenity value, adding to the character and appearance of the surrounding area, which is a conservation area.
- 5.2 Given that the tree is prominent in terms of its location to the front of the site, it is considered to hold significant amenity value. It is a notable amenity feature, in particular when it is in flower. Furthermore, the Judas tree is considered to be a mature specimen and it is considered to be reasonably rare to find a tree of this age and size in the urban environment, especially in Maldon. Please see **APPENDIX 1** for the site photos.
- 5.3 The Tree Preservation Order was served in response to a request being made to fell the tree. The proposed felling of the tree was considered excessive and unnecessary and the tree's amenity value would have been lost to the detriment of the conservation area. Further to this, the justifications for the works were not considered sufficient in mitigating the harm caused by the loss of the tree. Therefore, the Judas tree was assessed using the TEMPO and the tree scored 16 out of 25 which means that the tree definitely merits a TPO.
- 5.4 Within the objections to the TPO (summarised below) it was stated that the tree should be removed in order to make room for a parking space in the front garden on the site. However this is not considered to be a justified reason to remove a tree that offers amenity within the streetscene.
- 5.5 It is noted that the tree is located in close proximity to the tiled pathway and to the dwelling. However, there has been no evidence provided that demonstrates that removing the tree is the only solution. It appears that no other management regimes for the tree have been explored and therefore the works are not justified and the concerns raised in relation to the impact of the retention of the tree do not outweigh

the contribution the tree makes to the amenity of the area. If an application for works to a protected tree is received by the Council, this is information that would be taken into consideration and assessed at that time.

- 5.6 It is relevant to note that the serving of a TPO does not prevent an application being made for reasonable works to the tree but does give the LPA the ability to assess those works.

6. **SITE HISTORY**

- **TCA/MAL/10/00959** - T1 Judas - Reduce crown by up to 1/3, T2 Wild Cherry - Remove, T3 Crabapple - Reduce crown by up to 1/3. – Allow to proceed
- **HOUSE/MAL/11/01070 & CON/MAL/11/01072** - Demolish existing lean-to W.C and store and replace with new single storey garden room – Approved and Grant
- **TCA/MAL/14/00879** - T1 Malus spp. - Fell and remove. T2 Malus spp. - Prune as follows: Remove all dead dying and diseased branches/stems. Remove all crossing stems. Remove all upward growing stems. Remove epicormic growth. Thin crown up to 20% volume. Reduce crown by up to 1 metre in all aspects to achieve circle in sky classic fruit tree appearance. All cuts to be made to vegetative or fruit buds at 40 degree angle upwards to bud side. T3 Fraxinus excelsior - Reduce crown by up to 2 metres in all aspects, crown lift to 3 metres. – Allow to proceed
- **TCA/MAL/18/01107** – T1 Judas – Remove – TPO 12/18 Served
- **WTPO/MAL/18/01409**– TPO 12/19 T1 Judas – Remove – Refused

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Interested Parties**

- 7.1.1 Two letters of objection have been received in relation to the serving of the TPO 12/18. The contents have been set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The front tiled path is breaking up due to the tree. • Concerned what damage the roots are doing to the house and the neighbouring house. • It is too close to the house considering its base is hollow. • Could be significant damage if the tree falls. • Removing the tree would enable parking in the front garden, which would reduce the number of cars along Tenterfield Road. 	<ul style="list-style-type: none"> • No evidence has been submitted to suggest that other methods of retaining the tree and protecting the path have been tried. • No evidence has been provided of damage to properties from the roots. • No evidence to suggest that the base being hollow is impacting on the house. • No evidence to suggest the tree is likely to fall. • This is not considered to be a justified reason to remove a tree that offers amenity in the streetscene.

8. **CONCLUSION**

- 8.1** The Judas tree subject of the TPO makes a significant contribution to the character and appearance of the Maldon Conservation Area due to its prominent position and its mature, unique and attractive nature.
- 8.2** There has been no evidence provided to suggest that the tree is causing damage to the front path. Furthermore, there has been no evidence provided which suggests that other management regimes have been explored to prevent the need of removing the tree. Therefore, given that the tree has a TEMPO score of 16 out of 25, it is considered that the TPO should be confirmed to prevent the loss of a significant tree which plays as significant role in shaping the character and appearance of the Maldon Conservation Area.

Site Photos

View from Tenterfield Road looking east



View from Tenterfield Road looking west towards Chequers Lane



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